**Civil Rights Title VI and ADA Title II Complaint Process Guidance**

This Guide is designed to provide implementation strategies and process steps for City Bureaus and Offices triaging Civil Rights Title VI and ADA Title II discrimination complaints against the City of Portland, its Bureaus and Offices, and any City sub-recipients or contractors.

**Contents** [PLACEHOLDER – update with pg #s in final draft]

**Introduction**

Policy

Purpose and Applicability

Process Limitations and Coordination

**Establishing and Implementing your Complaint Process**

Mandatory Notice

Complaint Team

Setting Up Your Procedure

Training and Information Dissemination

**Managing a Complaint**

Intake

Processing

Investigation: Research, engage in fact-finding, and analyze claims

Resolving a Complaint

Monitoring

Reporting

**Appendices**

Appendix A: Key Definitions and Terminology

Appendix B: Complaint Process Checklist

Appendix C: Complaint Process Public Notice

Appendix D: Public Complaint Form

Appendix E: Complaint Reporting Log

Appendix F: Correspondence Templates

Appendix G: Investigation Plan Checklist and Template

Appendix H: Complaint Summary Memo Checklist and Template

Appendix I: Complaint File Checklist

Appendix J: Selected Resources

Appendix K: Selected Agency and Referral Guide

Appendix L: ADM-18.02 - Title VI Civil Rights Complaint Procedures

Appendix M: ADM-18.20 - Title II ADA Complaint Procedures

**Introduction**

**Policy**

The City does not condone or tolerate unlawful discrimination. It is the policy of the City of Portland (hereafter referred to as the City) that no person shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in any City program, service or activity, on the grounds of race, color, national origin, or disability. The City’s policy is to fully comply with federal and state laws designed to ensure protected groups have access to and enjoyment of the services of a public entity, and that they may do so without discrimination.

Any person or class of persons who believes they have been the object of unequal or disparate treatment, impact, or discrimination in the receipt of City benefits and/or services based on their race, color, national origin, which includes limited English proficiency, or disability has the right to file a complaint under Civil Rights Title VI or under ADA Title II with the City of Portland.

To ensure compliance with Title VI of the Civil Rights Act and Title II of the Americans with Disabilities Act, administrative rules ADMIN XXX and ADMIN XXXX establish procedures and delineates roles and responsibilities in order to: (1) carry out prompt, thorough investigation and equitable resolution of Title VI and Title II discrimination complaints; and (2) implement, monitor, and enforce complaint-related compliance activities.

**Purpose and Applicability**

Each bureau, office, or other City agency, and employees therein, is responsible for and required to: comply with these administrative rules; address Civil Rights Title VI and ADA Title II complaints; establish clear procedures for successfully resolving all Civil Rights Title VI complaints on a timely basis and at the lowest level possible in accordance with the process established in ADMIN…; and identify staff member who will be responsible for the implementation, management, and training of complaint processing.

This Civil Rights Complaint Process Manual provides guidance to the City of Portland, for developing and implementing complaint procedures, as well as investigating and resolving complaints against the City of Portland, the bureaus, and City subrecipients and/or contractors allegedly engaged in discriminatory practices. The manual is not intended to offer an exhaustive explanation of external complaint processing and resolution procedures. For additional guidance, see the the document on which much of this manual is based: Department of Justice’s (DOJ) Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes (September 1998).

Because Bureaus operate different types of programs, certain complaint procedures within the offices will vary. Bureaus should develop their own internal guidance tailored to their caseload. Despite sometimes differing approaches, all offices share the same goal: to ensure that all civil rights laws, regulations, and executive orders for which the Bureaus and City are responsible are implemented and enforced consistently, correctly, and expeditiously.

This guidance and recommendations apply to all bureaus and employees that are responsible for intaking, managing, investigating, reporting discrimination complaints as well as those responsible for classifying and coding discriminatory allegations.

**Process Limitations and Coordination**

There are several limitations within the City’s complaint policy. The following guidance is provided to help you understand these limitations and application of this process:

* **Filing with other agencies:** Just because an individual lodges a civil rights complaint with your bureau, it does not mean they cannot also file complaints related to the incident of discrimination elsewhere. For example, if someone files a complaint with your bureau about being excluded from an event, they also have the right to file simultaneous complaints with other agencies such as the DOJ, Oregon Bureau of Labor and Industries (BOLI), or Federal Transit Administration (FTA). Usually external agencies will contact the City if they accept a complaint for investigation/resolution. In other instances, you will know because the complainant will provide that information when they submit a complaint. In these instances, the responsible bureau/office should coordinate with the other agency. If a complaint is filed within the City and is filed externally during the same time, the City’s complaint procedures under these rules may be suspended pending outcome of the external complaint. This is to be determined on a case by case basis by the responsible bureau in coordination with, and at times under the direction of, the external agency. In some cases, it may be to the bureau’s advantage to run a simultaneous investigation and resolution process (and may facilitate a quicker external investigation).
* **Other protected classes:** These complaint procedures cover race, color, national origin (including language access/limited English proficiency) and disability. They do not cover other protected classes defined by Civil Rights laws such as: age, marital status, religion, sex, gender identity, income or sexual orientation. The City and your bureau or office are responsible for addressing discrimination complaints based on other protected classes. Other regulations and other procedures may address these rights and related complaint management. When possible, you may use these same practices, align procedure, or establish a process that covers all protected classes to ensure consistency. Please be advised, the OEHR Civil Rights Title VI and ADA Title II Managers may not advise on complaints based on other protected classes, and reporting to OEHR should not include these complaints. Develop appropriate and/or update any forms as necessary. The templates provided do not include these protected classes and were developed specifically for race, color, national origin, and disability. Ensure the complainant understands that the Title II and Title VI administrative rules do not apply; complaints of this nature should not be accepted under these administrative rules and will be managed in another. Make sure complaints under these protected classes are referred directly to your bureau and not the Civil Rights Managers at OEHR.
* **Employment discrimination:** Employment discrimination is not covered under these procedures. Prohibition against workplace (employment) harassment, discrimination, and retaliation for all protected classes, including employee and hiring discrimination complaint procedures are established in the City of Portland Human Resources Administrative Rules section 2.02. For any complaints of this nature, coordinate with and refer all complaints of this nature to your bureau’s HR business partner or directly to Human Resources.
* **Private Rights of Action:** These procedures apply to complaints lodged with a bureau/office that do not involve a private right of action. This complaint process is not used when a legal action has been activated, such as a tort claim or litigation. However, every effort should be made by the bureau to cooperate in any related investigation. If an individual simultaneously files a complaint through the civil rights process and for example, files a tort claim, the civil rights process will be suspended until the tort claim is resolved. If a complainant has retained an attorney, this does not necessarily indicate they are taking a private right of action, but the responsible bureau should coordinate with the Attorney’s Office and possibly Risk Management to determine if this is the case.
* **Independent Police Review:** If you believe the complaint being filed is a police-related issue, the complaint may need to be directed to Independent Police Review (IPR), and they may assume authority per IPR policy and procedures. In these instances, the complaint should not be accepted for investigation or resolution under these processes, the complainant should be notified, and the complaint forwarded to IPR.
* **Inaction:** If the complaint falls outside the scope and limitations of these complaint procedures, provide written notification to the complaintant that their complaint has been suspended or will not be accepted. Provide a brief explanation and include any referral information and/or refer where possible [see Appendix D (1) for Denial Letter and Appendix J for a Referral Guide]. If internal to another City bureau, office, complaint process, please refer where possible. For example, send a complaint of employment discrimination to the responsible staff in your bureau or at the City and notify the complainant; or if complaint is against Multnomah County, try to provide the complainant the County contact information in the dismissal letter.

**Establishing Compliant Procedure**

**Mandatory Notice**

In addition to nondiscrimination, equity, and Civil Rights notices, you must post notices about your complaint process. Have information about the complaint process available at any customer service counters. Make sure your website has clear and easily found information about how to:

* File a complaint
* Right to file a complaint
* Who to file it with
* Include:
	+ Timelines
	+ Links to forms
	+ Meaningful access statement

**Complaint Team**

You can choose to configure your team in any way that works best for your bureau. The following are roles that need to be filled. Each bureau may designate one person or multiple people to fill these roles. How each bureau configures its complaint team may be based on the nature of complaint, or the bureau’s operational structure and authority.

 **Intake**

* Who will do the intake of complaints?
* Who will complaints be referred to after intake?
* What criteria will you use for referral?
* How will staff be trained? How will they be trained on the following:
	+ Entire complaint procedure
	+ Forms
	+ Timelines
	+ Customer service (including language the community may use to express complaint that may not be as obvious as the legal term terminology of our policy or any other accommodations/modifications a community member needs to meaningfully participate in the process and lodge a complaint. Keep in mind an accommodation or language service needs to be provided through the whole process)
* What part, if any, will intake staff have in tracking complaints?

 **Communication.** There are several layers of communication in the complaint procedure. Much of the communication in a complaint process has prescribed deadlines and protocols. It is imperative that whomever is designated to be the primary person responsible for communication understands that violations of these deadlines or protocols could result in a lawsuit beyond the scope of the original complaint for failure in the complaint procedure. For this reason, we highly recommend your communications procedure has a mechanism that includes notice to the person in your bureau with the authority to decide on complaint resolution. Refer to the administrative rule and “managing the complaint” section of this guidance.

 **Investigation.** The investigation process could be as simple as doing some fact-finding and connecting different stakeholders. The person tasked with investigations within your bureau should have knowledge of Civil Rights compliance. Multiple people can participate in the investigator role, including collecting information and conduct interviews. The investigator and team will need to: find out what occurred; identify regulatory guidelines, applicable laws, regulations; crosswalk discriminatory theory and regulatory guidelines with details of complaint; identify relevant policies and procedures, etc.; brainstorm possible corrective actions or improvements.

It may not be necessary to have the person with authority to resolve the complaint be the investigator, but it is highly important that the person doing the investigation is in communication with the compliance authority in your bureau.

The investigator should have:

* An ability to investigate objectively without bias.
* No stake in the outcome. The investigator should not have a personal relationship with the involved parties. The outcome should not directly affect the investigator's position within the organization.
* Strong interpersonal skills to build a rapport with the parties involved and to be perceived as neutral and fair.
* Attention to detail.
* The right temperament to conduct interviews.

If the complaint is beyond the skill of the person with compliance authority in your bureau we recommend contracting out an investigator.

**Complaint authority.** The complaint authority has the authority to negotiate and offer resolution for the complaint. This person should have financial and decision-making authority for the bureau or have the access to the financial and decision-making authority for any division of the bureau.

Current roles at the city we would recommend for this position would include:

* Equity Managers
* Business Operations Managers
* Deputy Directors

 **Bureau civil rights compliance coordinator.** This is the person who your bureau director has designated as your ADA Title II and Civil Rights Title VI coordinator. Whether they are part of the complaint team or not, they need to be copied on all of the communication and investigation correspondence as they will be responsible for reporting back to OEHR and Council.

**Setting up your Procedure**

Be aware of timelines when establishing your procedure and consider how information and community contact normally filters through your bureau or office. Consider pathways of community contact and make the process as easy and barrier free for the public as possible. Ensure all staff who interact with or serve the public or who manage staff that interact with the public, are aware of complaint procedure. Review and consider the “Managing a Complaint” section as you develop the necessary process, systems, and identify staff.

**Intake.**

***Forms.*** It is recommended that bureaus establish an internal document or form for tracking complaints with the following information:

* Complainant vital information, including best way to contact.
* The date, time, division, place and any persons involved in the complaint.
* A question around if the complaint has also been filed somewhere else.
* A question around if the community member attempted to resolve the issue before filing complaint.
* With whom and how was the initial complaint made (e.g. front desk via phone call)?
* Who resolved the complaint
* The complaint resolution and location of any supporting material

You may want to provide an external form, as well, that someone may submit. Bureaus should make it clear that submitting a form is not required, but information requested on the form must be included to process a complaint. If the form is electronic, make sure you establish accessible versions or procedures for filling out the form. The standard external form is provided in Appendix ###, which may be adapted for bureau use and can be utilized for both external and internal tracking.

 ***Submitting complaints in multiple formats.*** Bureaus should establish procedures so that complaints may be submitted via email, in writing, over the phone, electronically, in person. All information should be reduced to writing and provided for the individual to sign, give verbal confirmation, or make sure that we indicate complaints submitted over email or electronically are considered a signature.

The City’s Meaningful Access statement should be used in both forms and communication through the complaint process. Any accommodation, including language access, should be made if requested and continued throughout the complaint process. Complaints in languages other than English should be translated and responded to in the language in which they were sent, and language access should be reasonably provided throughout the process.

 **Intake and Processing.** Establish role for processing complaint – determining if complaint meets criteria to be accepted as a Civil Right Title VI or ADA Title II complaint for investigation. This could be the same person intaking the information, the lead for the investigation, or a different person altogether.

The criteria have been outlined in the administrative rules and guidence. Build this into your internal process and make sure responsible staff are aware. We recommend that if the complaint falls under the City of Portland but is not in your bureau or office, please refer to the appropriate bureau/office.

Please note, all submitted complaints (accepted and dismissed) need to be logged and assigned a Case ID.

* Case ID’s must follow this pattern: Bureau initials, underscore, complainant initials (first and last name), underscore, 6 digit randomly generated numbers and letters. Example: OEHR\_DB\_583H4Z.
* If an organization submitted the complaint, use their initials.

**Investigation.** There are several different ways investigation can play out. Be sure your team is clear about what types of investigations can be handled at a lower level and which need to be elevated up to higher levels of management. Once you have established a team it will be helpful to be sure everyone is trained on their expectations and who they should go to up the chain if they are not able to triage a complaint at the lower levels. Your bureau may want to create a decision tree and specific SOPs.

While not all investigations will result in a substantiated violation of discrimination it is important to document all efforts made by the bureau to explore the complaint. If the complaint is escalated to legal action, the documentation of the investigation and the process used to triage the complaint will be asked for by legal counsel.

Because some complaints may require subject matter expertise to understand the program or service at issue in the complaint, it is important the designated investigator has access and authority to pull in all necessary participants. While bureaus are responsible for conducting their own investigations, the designated investigator should consider the following as potential resources:

* The Bureau’s HR business partner
* The Bureau’s general advice attorney
* The OEHR Civil Rights Managers
* The Bureau’s Civil Rights Legal Counselor

 **Complaint Resolution.** As with investigations, not all complaint resolution will require the full complaint team engagement. For less complicated complaints an investigator may simply need to connect the complainant with the bureau authority who can quickly remove the barrier or adjust a policy or protocol for an individual to have access. And in actuality some complaints are technically requests for accommodation, but the community does not necessarily know the difference between a complaint and a request. While there will be requirements for tracking both complaints and accommodations we suggest when the public identifies their communication with the bureau as a civil rights complaint, they treat it as such. If the resolution of the complaint is an accommodation, that can be recorded in the complaint resolution of the bureau’s tracking.

In regard to investigation of complex complaints, all the information should be presented to the “complaint authority” for the official resolution. The primary reason for this is a complaint not resolved in favor of stronger civil rights compliance can result in a lawsuit that could cause the bureau a financial impact. As well some complaint resolutions may have a fiscal impact attached.

**Monitoring.** If bureaus take actions or propose actions to resolve a complaint, feedback loops will need to be established to follow up with complainants regarding bureau activity. This creates accountability. We recommend bureaus determine time intervals for follow up. This may depend on the nature of the complaint and the actions. Bureaus should make sure that the part of the resolution process includes communicating with the complainant about monitoring. Be sure to check with the complainant to see if they would like an update on the status of actions. There are situations where Complainants may feel traumatized and want little to no further contact; bureaus should respect their wishes. Regardless of notifying the complainant on the status of actions, bureau documentation and records should include a status update on actions the bureau has committed to as a means to resolve complaints and mitigate or prevent discrimination.

**Documentation and tracking.** Complaint data with the exception of the reports to OEHR is the responsibility of the Bureau. Bureau should keep data protected in a manner appropriate to confidentiality and security even within the bureau.

Set up procedures to document and track thoroughly from intake through monitoring and reporting. Bureaus will need to maintain documentation in greater detail than what is reported to the bureaus. Establish case files and make sure to maintain all documentation in a secure location. Bureaus should implement strategies and systems that facilitate complete record keeping, appropriate information sharing, and secure documentation.

**Reporting.** The bureaus Civil Rights coordinator should be responsible for making sure reports are sent to OEHR annually. While we currently do not have standardized data capturing software we are working to make that happen, in the meantime bureaus should create an internal mechanism for reporting such as an excel sheet. (See Template)

There will be routine city-wide compliance status reporting to Council at which time Civil Rights coordinators may be asked to participate**.**

**Assessment and evaluation.** There are two levels of the assessment/evaluation process we recommend bureaus embed in their complaint process.

Individual complaint assessment should happen with higher level complaints that have escalated to the Complaint authority. More complicated complaints, even the ones that are deemed substantiated, can lead to a process improvement and equitable outcomes for the bureau overall. Often investigations can be unsubstantiated because there is a lack of evidence. (This can be especially true when complaints are related to interactions between bureau staff and the communities.) In these instances, we urge bureaus to assess if there are opportunities for process improvement and include that information in the correspondence with the complainant.

Evaluations of the larger compliance picture with the bureau’s Civil Rights team should happen regularly and include the following:

* Coordinator should review complaints on an annual basis
* Look for patterns
* Identify total numbers, problems in specific areas or services, repeat issues,
* Evaluate actions taken because of complaint
* Develop strategies for quality improvement and to mitigate issues
* Look at quality and process improvements to the complaint process itself
* Track success of those strategies
* Use data to inform training and capacity building

**Training and Information Dissemination**

Because of our commission form of government and the size and nature of your bureaus, your bureau should be establishing its own procedures and responsibilities for complaint management that is in line with the structure and expectations of this policy. The Title VI and Title II Managers are always available for consultation around both setting up your process and resolving complaints. It is imperative that your complaint process implementation not only identifies key stakeholders and resources, but includes:

* Routine training developed and provided by your bureau
* Documentation of your bureau’s process,
* Development of any bureau specific forms, signage, technology, process guidance, etc.
* Regular and established information dissemination to all responsible parties and stakeholders

Documenting your implementation process and activity may be helpful as you evaluate what has worked and what hasn’t. This may also serve as demonstrated evidence of your bureau’s compliance activities.

**Managing a Complaint**

Managing a complaint includes the following stages or steps:

* **Intake,**
* **Processing,**
* **Investigation (Fact-finding, Research, and Analysis),**
* **Resolution, and**
* **Monitoring**.

Evaluation and reporting are important components of complaint procedures and compliance; however, those elements have a broader scope and scale, which are ordinarily after and complementary to individual complaint management. This section is intended to help bureaus manage complaints and provides considerations, clarifications, and requirements at each stage. Additionally, this section will inform a bureau’s complaint procedures and should be reviewed prior to development and implementation.

**Intake**

**Intake format and pathway.** Individuals and organizations may submit complaints using a discrimination complaint form, written correspondence or through a conversation.

Complaint can be lodge through multiple communications paths:

* Mail
* Email
* Hand-delivered
* Fax
* Call or in-person

 **Documentation.** Make sure to capture and document information. If captured from a conversation, it is recommended staff utilize the complaint form to capture all necessary information, and repeat the summary back to the complainant to ensure all information is timely and accurate. Staff should provide any accommodations or meet language access requests as necessary. Any accommodation or language service should be noted in the complaint documentation and adhered to throughout the process. If the complainant needs materials in an accessible format, all materials throughout the complaint process should be provided in that format without the individual having to make multiple requests.

 **Internal referral (to a different City bureau or procedure).** Take any appropriate action or follow bureau procedures to direct complaints to the appropriate staff in your bureau or to a different City bureau that has responsibility.

**Case ID.** Assign a “Case ID” and document in internal bureau complaint log [see appendix ##]. Be sure to document the date the complaint was received (this is important for the complainant’s rights and ability to seek action elsewhere).

**Attorney Representation.** If the complaint is submitted on behalf of a complainant by an attorney, staff should first contact the City Attorney’s Office and possibly Risk Management to discuss proper procedures. Usually you will need to work and communicate with the attorney and in most cases, you will need to call the attorney for additional information or to request permission to contact the complainant directly. In addition, if it *appears* the complainant may be represented by an attorney (especially if the complaint states that the matter raised has been or will be filed in court), staff should ask the complainant whether the complainant is represented by an attorney concerning the complaint. If so, staff should contact the bureau’s designated attorney for permission before further contacting the complainant directly. Again, contact the City Attorney’s Office to determine how to proceed and if they have already filed in court coordinate with appropriate offices (see limitations).

**Processing**

When you receive the complaint, determine if the complaint is complete, meets minimum threshold requirements, and fits within the scope and applicability of these procedures. Within 15 days, bureaus must process and respond to the complainant that the complaint has been accepted for investigation, dismissed/not accepted for investigation because it did not meet the threshold requirements (including the basis of denial and a referral where possible), or with a request for information needed to make a determination. A complaint can also be dismissed at any point during the complaint process.

**Determining complaint meets threshold requirements.**

**Scope and Limitations*.*** It is crucial to review the scope and limitations of Title VI and Title II procedures and the introduction. Apply and coordinate as appropriate. Again, there are some instances where a complaint may meet all the threshold requirements but fall outside the scope and, therefore, should not be managed with these procedures (especially when the City has an established authority to manage complaints including Title II or Title VI):

* Title VI or Title II complaint but complainant is taking private rights of action against the City: *Dismiss or suspend*, provide explanation, coordinate and refer to Risk Management and the City Attorneys (if the investigation is already underway, suspend the investigation until the private right of action is resolved);
* Title VI or Title II complaint but under the authority of IPR: *Dismiss*, coordinate and refer to IPR;
* Title VI or Title II complaint but under authority of, or engaged with, another City complaint process addressing the same issues: in these instances, coordinate with appropriate staff to meet the requirements of both processes (in some cases a coordinated approach may more efficiently manage a complaint rather than concurrent investigations).

**Complaint**. A complaint is an allegation of discrimination (program, service, activity, or administrative act; impact, treatment, or noncompliance; action or inaction) that contains a request for the receiving bureau or office to act, that has been reduced to a written document, in any form or format. Again, some complaints may actually be requests for access or modifications. If so, bureaus may move the complaint into established processes for managing requests with the permission of the complainant or opt to manage the request for access as an informal resolution to the lodged complaint.

**Complete*.*** For a complaint to be “complete” it must include at least the following:

* A written explanation of what happened;
* Information necessary to contact the complainant (if the complaint is filed by e-mail, the City should request the sender’s actual name and address, if not provided);
* Identification of the person or group injured by the alleged discrimination;
* Identification of the person or organization alleged to have discriminated;
* The basis for the alleged discrimination, e.g., race, national origin, limited English proficiency, or disability; and
* Sufficient information to understand the facts that led the complainant to believe discrimination occurred and when the discrimination took place (a description of issues of discrimination is included in *Investigation*).

Your bureau should work with each complainant to ensure that you have sufficient information to properly evaluate the complaint [see request for information below]. It is more likely for complaints to be incomplete if they are submitted via correspondence.

**Timeliness*.***  In order to be timely, the complaint must be filed within 180 days of the alleged discriminatory act. When evaluating timeliness, consider discrimination is often ongoing, discriminatory impacts are not immediately experienced, or a complainant could not reasonably be expected to know the act was discriminatory within the 180-day period. In these instances, the complaint should be filed 180 days after the complainant became aware of the alleged discrimination.

**Jurisdiction*.*** Does the subject matter or issues of the alleged discrimination involve a program, service, benefit, or activity, or an administrative act by the City or its employee, subrecipient, or contractor? Does your bureau have responsibility for the facility, policy, plan, program, service, benefit, activity, event, communications, or contract or agreement, or where the situation, practice, or action implicated in the complaint took place? Sometimes this can be challenging to determine, especially when the allegations involve a contractor or sub-recipient. It may be helpful to work the City Attorney’s Office if the relationship is not readily apparent. Often misunderstood, the City does not oversee all nondiscrimination for the geographic region of Portland. Please use the referral guide to help direct the individual when possible. Often it is another local government agency that has jurisdiction, or it is a complaint of discrimination that occurs in a place of public accommodation (like a restaurant, retailer, or hotel). Just because the alleged discrimination occurs within the geographic boundaries of the city, does not mean we are the responsible authority. Complaints for other bureaus should be sent to the appropriate contact and if your complaint involves more than one bureau, the bureaus should indicate in their respective logs and share investigation responsibility.

**Is this a Title VI or Title II Complaint?**

* *City Public Service/Impact*. Does it involve a City policy, plan, program, administrative act, benefit, service or activity that is provided to, serves, engages with, involves, or otherwise impacts the public by the City, its employee, sub-recipient, or contractor? Title VI and Title II involve how we impact, serve, and engage the public. Think of it as: *an act of governance (action or inaction) + public facing/impacting (or results in) + government entity/instrumentality of government.* Concerns around how we employ or impact the public as an employer are different; complaints involving workforce, hiring, employment or retirement do not apply and should be referred to BHR.
* *Protected Class*. Does this complaint involve a claim of discrimination based on a class protected under Title VI (race, color, national origin – including language access and services) or Title II (disability).

If the complaint does not meet the criteria:

* Within 15 days of receipt of the written complaint, send a dismissal letter to the complainant outlining the complaint and providing an explanation for dismissal. Provide referral information where possible.
* Document in log, archive correspondence and related materials, and close complaint.

If you need more information:

* Within 15 days of recept of the written complaint, send request or contact the complainant for additional information with a timeframe and specifics of what you need (through any form of communication).
* Again, your bureau should work with each complainant to ensure that you have sufficient information to properly evaluate the complaint.
* Try to request information as early as possible. It might be helpful to call the complainant and directly get the missing information.
* If you do send correspondence, it might be helpful to send a form and highlight the specific information you need; however, advise the complainant they are not required to use the form to submit the complaint or additional information.
* You must provide appropriate assistance to complainants, including persons with disabilities and individuals who speak a language other than English, who may need help in providing the information you will need to properly assess jurisdiction and investigate the complaint.
* If the complainant fails to respond to requests for information within a reasonable time or with the information needed, or cannot be found, and the complaint remains incomplete, the complaint may be dismissed for being incomplete and the complainant unresponsive. Note: A complaint that is dismissed for incomplete information can be reopened in the 180 days if the complainant provides the information and requests the complaint be reopened.

If it meets criteria:

* Within 15 days, respond to complainant that complaint has been accepted and move on to next step.

If this happens quickly and through an informal process, please make sure to capture all information, including dates, and log appropriately.

**Dismissing a Complaint: unresponsive, can’t locate, or withdrawn*.*** The bureaus can dismiss complaints at any time in the process if the Complainant does not respond to repeated requests for needed information within a timely manner, if we cannot locate the complainant – especially if there is no/incomplete contact information, or if the complainant decides to withdraw the complaint.

 **Suspending a Complaint.** In certain circumstances, a complaint investigation may need to be suspended because an external agency’s concurrent investigation supersedes your own. Notify the complainant and document and log all information (indicate suspended in the complaint status).

**Investigation: Research, engage in fact-finding, and analyze claims**

“Investigation” is a spectrum. The investigation can lean towards the quick and informal that involves nothing more than a quick conversation, document review, and immediate determination of how to resolve the complaint (sometimes occurring in a matter of a few days). This could almost be considered an “informal agreement or action.” Or the investigation can be a more formal and lengthy process that may include policy and plan reviews, data analysis, and in-depth interviews. This will depend on the nature of the complaint. Most of the guidance provided below reflects a more lengthy and complex investigation rather than quick fact finding and resolution. Bureaus may contact Title VI or Title II Managers or Attorney for guidance, advice, or technical assistance throughout the process.

**Timeframe.** Once a complaint has been accepted for investigation, bureaus have 60 days to complete the investigation and send the resolution letter to the complainant. If at the end of 60 days, the bureau needs more time to investigate, communicate with the complainant: the need for an extension, where the team is in the process, the anticipated timeframe, referral information for the appropriate federal agency (this is important because federal agencies also have timelines for filing complaints).

**Team.** Assemble a team as necessary. May include:

* Person responsible for managing the complaint (responsible for communication, record keeping, etc.)
* Manager or person who oversees the program, service, or activity in which the complaint occurred (do not include staff directly involved in the claim of discrimination)
* Equity Manager and/or Title VI or Title II Coordinator
* Other bureau SME’s depending on nature of the complaint
* FYI: these all could be the same person

 **Communications.** The complainant has been notified. Notify staff involved in the complaint. Communication will vary depending on the nature of the complaint. Stay in contact and provide updates to the complainant. Doing this can help mitigate increased tension during this process. However, some situations may be traumatic and constant communications with the complainant might be overwhelming. Work with the complainant and use appropriate communications strategies. Make sure to document communications as necessary. Having records can be important if issues come up later.

 **Create an Investigation Plan.** This usually will come in the form of a working document that serves as a blueprint to complete an investigation. A formal, written investigation plan is not required [see appendix ##] but it may be helpful in outlining the team’s course of action. At least it is important during investigation or fact finding to identify and define the issues, identify what information you need to collect, and with whom you need to speak. Written investigation plans will also serve as a reference for information you need to include in your memo’s, correspondence, etc. At a minimum, investigation plans usually include:

* City and Bureau’s jurisdiction over the matter
* Description of the issues, including identification of the specific action, policy, or practice responsible for the alleged discrimination;
* Applicable legal theories (e.g., intentional discrimination/disparate treatment or disparate impact/effects, noncompliance with regulations/guidelines);
* Data to be gathered during the investigation; and
* Proposed activity schedule (including anticipated sequence of case activities such as on-site visits and interviews, and timeframes).
* The case file should contain documentation that supports the decisions made with respect to each of the above planning elements.

 **Issues/Subject Matter**. While processing the complaint, identify the specific administrative act, policy, practice or service involved in the alleged discrimination, e.g., denial of services, benefits, or access to a program; excluded from participation in a service or activity; harassment by the program's employees; unequal services in a program, disproportionate and adverse impacts of an administrative act, etc. Even if discriminatory intent cannot be ascertained, identify the practice, procedure, policy, or service that is alleged to have a disparate effect on one or more members of a certain protected class.

Generally speaking, in identifying the subject matter, you are looking for allegations of one or more of the following on a covered basis or bases; i.e., race, color, national origin, including limited English proficiency, disability, which may include:

* Any difference in the quality, quantity, or way a service or benefit is provided;
* Segregation in any part of a program or separate treatment in any manner;
* Restriction in the enjoyment of any advantages, privileges, or other benefits that are provided by the program;
* Standards or requirements for participation or entry that tend to exclude (no modification offered);
* Separate treatment in any manner related to receipt of services or benefits;
* Restriction of the membership of advisory or planning councils that are an integral part of a bureau;
* Failure to provide information or services in languages other than English where a significant number or proportion of potential beneficiaries are of limited English-speaking ability;
* Failure to adequately advise person(s) in the eligible population of the existence of services or benefits;
* Use of criteria or methods of administration that would defeat or substantially impair the accomplishment of program objectives or would impact more heavily on members of a protected group.

 **Theories of Discrimination.**

**Intentional Discrimination and Disparate Treatment*.*** Intentional discrimination may take many forms, but disparate treatment is one of the most common. Simply put, disparate treatment means that similarly situated persons are treated differently (i.e., less favorably) than others because of their actual or perceived race, color, national origin, disability, etc. Another type of intentional discrimination involves the use of policies or practices that explicitly classify individuals on the basis of their membership in a particular group. Such “classifications” may (but not always) constitute unlawful discrimination if they are based on protected class characteristics. To prove intentional discrimination, the investigator must show that a challenged action was motivated, in part, by an intent to discriminate. This requires a showing that the “recipient” decisionmaker was not only aware of the complainant’s actual or perceived race, color,national origin, and disabitity but that the recipient acted, at least in part, because of the complainant’s race, color, national origin and disability.

The recipient can articulate a nondiscriminatory explanation for the alleged discriminatory action. The team should determine if there is sufficient evidence to establish that the recipient’s stated reason was a pretext for discrimination. In other words, the evidence supports a finding that the reason articulated by the recipient was not the true reason for the challenged action, and that the real reason was discrimination based on race, color, or national origin (there does not need to be evidence of ill will, bad faith, or any evil motive).

**Disparate Impacts*.*** The second primary theory for discrimination is based on Title VI regulations and is known as the discriminatory “effects” or disparate impact theory. In contrast to disparate treatment, the disparate impact/effects theory does not require proof of discriminatory intent. Rather, disparate impact cases involve claims that a recipient is violating Title VI regulations by using a neutral policy or practice or other administrative act that has the effect of disproportionately excluding or adversely affecting members of a protected group, and the recipient’s policy or practice lacks a substantial legitimate justification.

In a disparate impact case, the focus of the investigation concerns the consequences of the recipient’s practices, rather than the recipient’s intent. The investigation team should first ascertain whether the recipient used a facially neutral practice that had a disproportionate adverse impact on a group protected by Title VI or Title II. The investigation team should then determine whether the recipient can articulate a substantial legitimate justification for the challenged practice.

To prove a substantial legitimate justification, the recipient must show that the challenged policy was necessary to meeting a goal that was legitimate, important, and integral to the recipient’s mission. If the recipient can make such a showing, the inquiry must focus on whether there are any equally effective alternative practices that would result in less adverse impact or whether the justification proffered by the recipient is actually a pretext for discrimination. If a substantial legitimate justification is identified, the third stage of the disparate impact analysis is the complainant’s (or other’s) demonstration of a less discriminatory alternative.

**Compliance Requirements.** While complaints will be based on outright discrimination to “comply” with these standards will be the basis of most complaints. During the investigation, it is important to identify the specific regulations and guidelines for each issue in the complaint. For example, an ADA Title II complaint may allege the City denied access to a facility because of an inaccessible entrance. Not only does ADA Title II compel accessible participation, it also requires program access (including physical access to spaces) and has established building guidelines. Bureaus should tease out the specific requirements within the Title II and building guidelines, and actively look at what we are doing or not doing to “comply.” This helps provide a threshold to compare against to see if we are or are not out of compliance and may help a bureau develop actions to resolve a complaint.

 **Overlapping Scope or Issues.** The issues raised in complaints and how we resolve them are not always clear. The issues of the complaint may cross over into areas that are related but involve other scopes of work. This is particularly true for disparate treatment complaints. Employee behavior, conduct, and discipline cross over into human resource matters. When this happens address all sides of the issue by collaborating with employee managers and supervisors, Human Resources, labor representatives, etc. and using a variety of strategies and approaches for complaint management and resolution.

Furthermore, many complaints stem from a complex overlap of different types (theories) of discrimination and noncompliance, as well as a combination of policies and practices that, working together and often with external factors, yield specific results. Most often compliance regulations and best practices are designed to either eliminate disparate impacts or foster equitable impacts; therefore, complaints of noncompliance may often be tied to complaints of disparate impact (or vice versa). To meet the intent of Civil Rights complaint processes and resolve complaints, try to unpack, and, within reason, resolve the complaint in a way that address the root causes and each contributing factor appropriately.

 **Information Gathering/Fact Finding.** You need to answer the following questions:

* What occurred?
* Who was involved?
* Why did it happen?
* If appropriate, how can we resolve?

**Evidence Collection*.*** The types of evidence or information collected during an investigation will vary from case to case depending on the issue in question, the availability of the information, and the investigative strategy. The goal of all evidence collection efforts, however, should be to answer two main questions:

* What happened? (Including when, where, and how). A complaint alleges that something did or did not happen. Data must be collected to determine whether the alleged event occurred.
* Why did it happen? (On what basis? For what reason?) The information gathered should help the investigator determine whether the reasons alleged in the complaint are accurate.

 **Types of Evidence.** It is important that, during the planning and investigation/resolution process, you keep in mind the types of evidence you will need and how each type of evidence relates to the theory or theories of discrimination or compliance that apply to your case. Evidentiary proof is an inductive process where demonstrable facts (e.g., items of evidence) serve as building blocks to structure determination of compliance or noncompliance. This "structure" can only be as sound as the evidence that is its foundation. You must keep in mind that different types of evidence can contribute in different ways to the proof for your findings; a little of one kind of evidence may be just as good or better than a lot of another type of evidence, if the latter is weak and unreliable.

Documentary evidence is in written form, and may consist of policy, plans, collected data and other statistical evidence, business records, memoranda, letters, applications, charts, logs, handwritten notes, etc.; virtually any material or format. Documentary evidence is essential from the recipient, and in many cases from the complainant, in order to fully investigate a complaint of discrimination.

Testimonial evidence refers to oral evidence. To obtain testimonial evidence, you should develop interview questions based on oral and written information and any other available data, and conduct interviews with the complainant, recipient's staff, and witnesses, as appropriate.

**Investigators should adhere to three key principles when collecting data:**

* Try to obtain independently written documentation to corroborate oral statements that are critical to proving the case;
* Clearly label evidence identifying the case under investigation and the circumstances under which the evidence was obtained (e.g., where and when an interview was conducted, who provided a given document); and
* Keep in mind that documents cannot always be relied upon to provide verification.

**Interviews*.*** Talk with those involved. Again, this can be formal or informal. Of you have informal conversations over the phone, you must document your communications, take appropriate notes, and save in the case file. For formal interviews, please record the interview and save in the case file. The main objectives of an interview are to gather information that will either support or refute the allegations in the complaint and obtain an understanding of the recipient’s operation or policies that the complainant is citing in the complaint. The investigation team should ensure that they understand the nature of the complaint, as the complainant’s concerns may be different from what was originally written in the complaint. Staff may conduct interviews in person or over the telephone, and in some cases, through written inquiry and follow-up by telephone or e-mail as appropriate.

 **Interview order***.* When deciding the order of interviews, consider the flow of information, or the order of the story, you need to collect.

* First, interview the person who made the report. If there are others named in the report, interview them too.
* Next, interview any witnesses to the incident or allegation. This can sometimes lead to more witnesses being identified, and you should interview them as well at this stage.
* Finally, interview the subject (recipient) of the report or allegation.

 **Preparing for and conducting an interview***.* An Interviewer should:

* Choose an interview method and location that is neutral and private
* Provide an invitation. Be informal when possible but do include information about the purpose of the interview, the investigators role, how information might be used, right to representation, possible rights to have others present, and of course right to any accommodations or language services necessary.
* Be flexible with scheduling to accommodate the interview subject
* Refer to the interview as “a chat about what happened” rather than an investigative interview
* Remove distractions, such as photos or decorations, from the interview location
* Prepare and review preliminary questions in advance. Ask open ended questions that will elicit perception – who, what, where, when, how. Allow for follow-up questions.
* Explain up-front exactly what the interview is about and why
* Built rapport with the interview subject before launching into questions
* Do try to distinguish facts from opinions
* Anticipate and be able to deal with negative reactions.
* Offer water and/or coffee to keep the subject hydrated and alert
* Record the interview and save in the case file
* Try to interview in pairs to facilitate differing and thoughtful follow-up questions, to compare impressions, and to add accountability to the interview and any conclusions.

 **Analysis.** Properly collected and analyzed evidence is essential to determining compliance. The investigation team should review the information and cross-check it with the Investigative Plan to ensure that all needed information has been collected.

After collecting necessary information, the investigation team should analyze data and information:

 **Read and Interpret*.*** Be sure to have a clear and thorough understanding of what the information collected says. The Investigation Team should review what happened to the complainant; compare the complainant’s treatment with the appropriate policies and procedures; compare the complainant’s treatment with others in the same situation; review the recipient’s reason for the treatment afforded the complainant; and compare the recipient’s treatment of the complainant with the treatment afforded others. Seek clarification where needed to understand the written language, i.e., obtain definitions for abbreviations; identify words and phrases that are key to interpreting the message; where words used within a given context do not take on an obvious meaning, ask interpretive questions; do not make assumptions. Never read meanings into the evidence. Accept the evidence at face value.

 **Determine Relevance**. Read with a purpose. Know what information or answers should be sought and recognize their presence or absence. Where the evidence (1) does not provide the answers needed, (2) does not provide any direction to a source for the answers needed, or (3) does not raise additional questions (issue-related), the evidence, at least for the moment, is not relevant. (However, the fact that evidence is not relevant at this time does not mean that it could not become relevant at a later stage of the investigation.) Categorize the evidence by issue and/or allegation.

 **Verify the Evidence**. Develop a system for cross-checking. Identify and try to resolve conflicting information.

 **Assemble the Evidence**. Put the evidence together so that it illustrates a logical continuity of dependent, or related independent, occurrences leading to a conclusion.

 **Draw Conclusions.** Allow the evidence to speak for itself. Test conclusions. Try to consider all possible rebuttal arguments by the recipient and the complainant.

**Developing Actions.** The bureau may want to seek those remedies suggested by the complainant but remember that the complaint may have identified noncompliance or concerns of discrimination, take care to ensure the remedy may address matters for the complainant and actually address compliance, equity, and nondiscrimination at the institutional level (e.g. changes in policies and procedures, training, program and service development, strategic service delivery, meaningful communications). The reactive, complaint side of Civil Rights activity is a method of accountability. Actions should be tailored to the complaint *and* bureaus should take the opportunity to improve the system; as appropriate, a variety of actions should be developed. If the complaint of discrimination is related to staff treatment of the public in the delivery of services, design a variety of actions that may include: training both the individual staff and staff as a whole; perhaps, identify strategies that ensure the services and benefits of services are not as dependent on individual staff (situations where bias can influence service delivery); perhaps redesign policies that govern the service delivery process. The actions crafted should result in improvements and impacts for many. This is the time to apply an equity lens. Apply an equity analysis in identifying strategies and methods to come into compliance and nondiscrimination. This may involve larger process improvements, planning, prioritization and decision-making. Recognizing this may take time, these efforts can be built into long-term plans; it is important to recognize larger issues and create a plan to further assess and address. This will be especially true when managing disparate impact complaints. Disparate impacts often result from many different policies, plans, decisions, and subsequent services operating over time. Consider community driven or centered solutions, needs, and priorities; look to existing research and engage with subject matter experts both internal and external to your bureau and the City.

For a detailed description of Investigation Plans, Theories of Discrimination, Types of Evidence, Types of Evidence that may be necessary, best sources and means for each type of evidence including direct, circumstantial, statistical, evidence to prove disparate treatment, evidence to prove disparate impact, analysis, interviews, etc., please look at any of the federal guidance manuals provided in the resources, but specifically the DOJ external complaint investigation manual or the DOT external complaint investigation manual.

**Resolving a Complaint**

**Resolution Outcomes.** There are several approaches to resolving a complaint. Our ultimate responsibility is to ensure nondiscrimination, meaningful engagement, and equitable benefits and service. The opportunity to resolve a complaint as quickly and informally as possible should be encouraged throughout the process. Ideally, all involved can work together through collaborative, consensual dispute resolution approaches and problem-solving processes. Throughout the process, all involved should be recording any ideas for resolution. Bureaus may informally resolve the matter without completing a full investigation, use a mediator to come to an agreement, and take steps to quickly resolve. Again, investigation is a spectrum and so is the resolution process.

The types of outcomes for complaint resolution are:

* Informal Resolution
* Unsubstantiated. With or without actions.
* Substantiated Finding with actions.

 **Informal Resolution*.*** In most instances, the bureau may decide on a course of action suitable to the complainant that allows for resolution of the complaint without the need to substantiate (or refute) claims of discrimination or noncompliance. Informal resolution can consist of anything from use of a neutral third party or mediator to informally resolving a matter without completing a full investigation. Keep in mind, informally resolving a complaint does not mean that the bureau ignores actions or remedies that would be appropriate if you conducted a full investigation. Rather, it is a means of resolving cases with basically the same actions you would get after a full investigation, while avoiding the expenditure of staff and time the full investigation requires. This especially applies if the matter can be dealt with immediately.

Bureaus should collaborate and negotiate with the complainant, when necessary, to determine a course of action that will resolve the issue(s) raised in the complaint. This can happen at any point in the process; staff may even resolve issues raised in the complaint almost immediately after intake. While most informal resolutions involve collaboration with the complainant, the purpose is to ensure nondiscrimination, compliance, and equity in the City; the actions should be dictated by the facts of the issues of the case, not always the complainant.

**Unsubstantiated*.*** Unsubstantiated means we could not substantiate the complaint of discrimination. This can range from findings of the investigation clearly not supporting the complaint of discrimination, to not enough evidence to verify that discrimination occurred. An unsubstantiated complaint resolution can come with or without actions. If the investigation finds that the City is acting in compliance or evidence does not support the discriminatory aspects of the complaint, bureaus may not take or need to take any additional actions.

However, unsubstantiated does not always resolutely mean discrimination did not occur, it means we may not have the evidence necessary to substantiate discrimination. For example, an employee may have acted poorly and treated a member of the public in a negative and differential manner (indicating other concerns with performing work tasks), but there was not enough evidence to establish to establish their actions were based on race, disability, etc., records were not kept, or there was no evidence establishing a pattern of behavior. This does not mean discrimination did not occur, we are just unable to substantiate one way or another. Following an investigation, the team may have not found enough evidence to support findings of actual violations but, nevertheless, have identified concerns and believe the bureau recipient should take rectify a problem or problems that, without corrective steps, may result in a violation or compliance concern at some point in the future. In the instance a complaint is unsubstantiated but unclear, bureaus should take the opportunity and tie unsubstantiated issues in the complaint to actions that: prevent possible discrimination in the future scenarios; strengthen, add transparency, and add accountability to current services; and improve related policies, practices, and capacity to foster equitable outcomes and quality (CQI).

**Substantiated*.*** Substantiated means the recipient is found to be in noncompliance (or the investigation yielded findings of noncompliance and support the complaint). In this instance, the bureau should develop some kind of remedial or corrective action (see actions section). The type of action will depend on the complaint but keep in mind this process is administrative and not punitive; again, actions should be designed to improve governance.

 **Complete a draft complaint summary memo or report.** A Complaint Summary Memo (or report), prepared after a full investigation is completed,

* presents all facts pertinent to the case in an organized, logical fashion;
* analyzes those facts considering the complainant’s allegations and pertinent bureau or City regulations;
* evaluates the validity of the allegations based on that analysis and the compliance status of the bureau and City; and
* recommends corrective or remedial action, as appropriate.

The length and details of this summary will depend on the nature of the complaint, investigation, and resolution process. This could involve a summary of the issues, any simple fact finding, and the resolution steps.

The Complaint Summary should contain the following major sections:

* Introduction (optional);
* Applicable laws/regulations;
* Basis (e.g., race or disability);
* Allegations or Issues;
* Summary of the investigation and methodology;
* Findings and analysis for each allegation; and
* Decision and recommended corrective/remedial action.

References should be used throughout the memo to direct to the appropriate supporting documentation in the complaint case file. Investigation plans serve as a good basis for the complaint summary.

 **OEHR civil rights managers complaint resolution review.** Before you send your decision letter to the complainant, you send OEHR Civil Rights Managers a simple email with complaint details. This is not for tracking but is a mechanism to get a “second opinion” to ensure you decision is reasonable and in compliance. Of you have not heard back from our office within five days, you may proceed with sending your letter to the complainant on the sixth day.

For Civil Rights Title VI complaints email: Danielle.Brooks@portlandoregon.gov

For ADA Title II complaints email: Nickole.Cheron@portlandoregon.gov

Your email to us should include the following information:

* Nature of the complaint (brief sentence)
* The date the complaint was received
* How the complaint is being resolved
* Complaint summary memo – redact contact information (only include case ID)
* Any supporting information regarding why the bureau came to the resolution

The bureau may consider and integrate any feedback or recommendations into the resolution or any actions; if so, the summary should be updated. At minimum, bureaus must document any provided feedback in the complaint file.

**Complaint resolution letter to complainant.** To complete a complaint investigation or compliance review, send the complainant a resolution letter. Different types of letters will be issued to the complainant depending on the findings of an investigation or how the case is resolved. All closure letters, however, should include the following:

* A statement of City’s jurisdictional authority, including the legal basis for the investigation;
* A statement of each issue and the applicable regulation;
* An explanation of the status of any issues that were investigated but are not included in the letter or any issues that were raised but not investigated;
* A brief summary of the findings and any actions.
* A statement on the prohibition of retaliation by the recipient against the complainant or anyone who has either taken action or participated in an action to secure rights protected by the civil rights statutes;
* A notification of the complainants right to appeal to a federal agency with basic contact information, file with another agency, or take private action;
* Name and contact information of staff for additional information.

Template letters and summaries of what they should include are provided in Appendix F(4).

 **Complete documentation.**

* Update log with relevant information
* Update casefile and any other recordkeeping
* If no actions are taken close complaint

If actions were taken, determine monitoring schedule.

**Monitoring**

In instances where resolution involves actions of any kind the complaint has been resolved but is not necessarily closed. A complaint is closed when a complaint is unsubstantiated without actions or, in other resolution types, actions have been taken or implemented. Accountability is an important part of Civil Rights and Equity. As actions are planned, bureaus should determine appropriate intervals for status updates both for the log, case file, and the complainant. If actions are immediately taken at the time of resolution, then no update is necessary. If actions take a long time to set into motion, consider updating on the process of implementation. Bureaus must allow the complainant to opt out of a status update. Be sure to:

* Provide complainant with a status update and interval(s) determined by your bureau. Allow complainant to opt out of this process.
* Update records and log with status of actions and interval(s) determined by bureau

Include in all Citywide reporting and compliance monitoring.

* Track bureau log and resolution actions to identify any patterns that could indicate an institutional or operational concern and a need for broader quality improvement efforts. Build into compliance and equity planning.

**Reporting**

* Submit bureau complaint log to City Manager
* May be asked to provide case file, status updates, or addition information on complaints upon request by the Civil Rights Manager or as part of either an internal or external compliance review.

**Appendices [Placeholder – update with pg#s in final draft]**

**Appendix A: Key Definitions and Terminology**

**Appendix B: Complaint Process Checklist**

**Appendix C: Complaint Process Public Notice**

**Appendix D: Public Complaint Form**

**Appendix E: Complaint Reporting Log**

**Appendix F: Correspondence Templates**

Appendix F(1): Initial Notification Letters

 Request for Information

 Request for Information Template

 Acceptance Letter

 Acceptance Letter Template

 Dismissal Letter (doesn’t meet threshold requirements)

 Dismissal Letter Template

Appendix F(2): Other Dismissal (at any time) Letter

 Other Dismissal Letter Template

Appendix F(3): Investigation Correspondence

 Notice to a Contractor or Sub-recipient

 Notice to a Contractor or Sub-recipient Template

 Request for an Interview

 Complainant Interview Invitation Template

 Witness Interview Invitation Template

 Recipient: City staff or sub-recipient Interview Invitation Template

 Notice of Investigation Extension

 Notice of Investigation Extension Template

 OEHR (ADA Title II or Civil Rights Title VI Manager) Complaint Resolution Review

 OEHR Complaint Resolution Review Sample Email

Appendix F(4): Resolution Letters

 Informal Resolution Letter

 Informal Resolution Letter Template

 Substantiated Complaint Resolution Letter

 Substantiated Complaint Resolution Letter Template

 Unsubstantiated Complaint (with or without actions) Resolution Letter

Unsubstantiated Complaint (with or without actions) Resolution Letter Template

 Resolution Status Update Letter

 Resolution Status Update Letter Template

**Appendix G: Investigation Plan Checklist and Template**

**Appendix H: Complaint Summary Memo Checklist and Template**

**Appendix I: Complaint File Checklist**

**Appendix J: Selected Resources**

**Appendix K: Selected Agency and Referral Guide**

**Appendix L: ADM-18.02 - Title VI Civil Rights Complaint Procedures**

**Appendix M: ADM-18.20 - Title II ADA Complaint Procedures**

**Appendix A: Key Definitions and Terminology – Terms used both in this administratve rukes and guidance as well as in genral compliance of Civil Rights**

**Adaptive technology -** Name for products which help people who cannot use regular versions of products, primarily people with physical disabilities such as limitations to vision, hearing, and mobility. See also: Assistive Technology (AT).

**Additional requirements -** are requirements that may not be imposed on people with disabilities if are not imposed on other people.

**Americans with Disabilities Act (ADA) -** was signed into law on July 26, 1990, the ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal.

**Architectural barriers -** are obstacles or other features in the built environment that impede individuals with disabilities from gaining full and complete access to the goods and services being provided.

**Class of person** - A category of activities, objects, people, or qualities that have, or are considered to have, certain attributes or characteristics in common. An identifiable group of individuals that a regulation or statute deals with or acts upon differently than it does other people.**Color** - of a person or their skin

**Compensatory damage** -  is money awarded to a plaintiff to compensate for **damages**, injury, or another incurred loss.

**Complainant -** is a party that makes a complaint that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any civil rights authority.

**Contractor**

**Demonstrate compliance** - organization's ability to show adherence to laws, regulations, guidelines

**Demonstrable facts** - Facts that can be demonstrated

**Department of Justice (DOJ)** - is a Federal agency that has the authority to enforce all provisions of the Civil Rights Act and the Americans with Disabilities Act (ADA), but focuses primarily on ADA Title II (public services by State and local government) and ADA Title III (public accommodations).

**Determination of applicability** –Verifing application/co,plaint meets threshold criteria

**Discrimination -** involves any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on such characteristics as race, color, sex, national origin, disability or in the case of disability, failing to make a reasonable accommodation.

**Dispute resolution** - Dispute resolution is a term that refers to a number of processes that can be used to resolve a conflict, dispute or claim.

**Documentary evidence** - **evidence** that is, or can be, in the form of documents, as distinguished from oral testimony.

**Disability -** is a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

**Evidentiary proof** - confirmation that the complaint if verified by evidence.

**Facility -** includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

**Federal financial assistance -** includes (1) grants and loans of Federal funds; (2) the grant or donation of Federal property and interests in property; (3) the detail of Federal personnel; (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

**Fundamental alteration** - includes a modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification. If a public accommodation (private entity) can demonstrate that a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations it provides, it is not required to make the modification.

**Inductive process** - A process that involves drawing conclusions from facts, using logic.

**Informal Resolution** -  to satisfy certain conditions or obligations as a **means** of avoiding formal investigation. In an informal resolution a determination of discrimination is not required as both parties agree to resolution.

**Investigator or Investigation Team -**refers to a City Bureau or Office or contract personnel responsible for conducting complaint investigations. Investigation of complaints may be part of one’s primary job duties, or a duty assigned only occasionally.

**Legal Channel** -communication pertaining to the law

**Limitations -**areas not covered by this policy

**Limited English proficiency** - persons are individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. - in or using several languages.

**Litigation** - the process of taking legal action

**Lowest level possible** - to remediate at the lowest level or simplest path

**Major life activity -** is an activity that an average person can perform with little or no difficulty.

**Multi-lingual** - proficient in multiple languages

**National origin** - where a person was from, or where that person's ancestors were from

**Not exclusive** - not limited to only one

**Notice of acceptance** - a formal indication of a successful application of complaint

**Notice of dismissal** - a formal indication of a denied application complaint

**OEHR -** is the acronym for the Office of Equity and Human Rights

**Outside the jurisdiction** - Not the practical authority granted to a legal body to administer justice within a defined field of responsibility

**Primary recipient -** means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

**Programs or activities -** mean all the operations of any entity receiving DOT financial assistance, as described in 49 CFR § 21.23(e). The Civil Rights Restoration Act of 1987 clarifies the definition of “programs and activities” covered by the nondiscrimination provisions of Title VI and other civil rights statutes (Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, and the Age Discrimination Act of 1975). Under the act, discrimination is prohibited throughout an entire agency or institution, if any part of that agency or institution receives Federal financial assistance. Title VI applies to discrimination throughout an agency, not just to actions involving the federally assisted program. Therefore, if an agency receives any Federal financial assistance for any program or activity the entire agency is required to comply with Title VI, not just that particular program or activity.

**Public accommodations** - Private entities that own, operate, lease, or lease to places of public accommodation. Places of public accommodation include places such as restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, laundromats, pharmacies, doctors' offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys.

**Public entity -** A public entity covered by Title II of the Americans with Disabilities Act (ADA) is defined as:

• Any State or local government,

• Any department or agency of State or local government,

• Certain commuter authorities,

• AMTRAK.

**Publicly accessible** - Available to the public in formats that reach a diverse audience.

**Punitive damage** - damages exceeding simple compensation and awarded to punish the defendant.

 **Race** - a group of people sharing the same culture, history, language, etc.; an ethnic group.

**Readily achievable -** Easily accomplished and able to be carried out without much difficulty or expense. Public accommodations are required to remove barriers when it is readily achievable to do so.

**Reasonable accommodation -** A modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. For example:

• Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

• Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

• Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

**Reasonable modification -** A public entity must modify its policies, practice, or procedures to avoid discrimination unless the modification would fundamentally alter the nature of its service, program, or activity.

**Regulations -** are issued by government agencies and have the force of law. Regulations provide more detailed interpretation of statutes. Federal regulations can be found in the Code of Federal Regulations.

**Responsible bureau/office -** The Bureau or City agent who provided the event, program, service or policy that the complaint was made against.

**Remedial action** - a change made to a nonconforming product or service to address the deficiency.

**Subrecipient** - Any contracted or grant organization or business receiving funds from the city to provide a service, program, activity

**Substantiated Finding with actions** - provide evidence to support or prove the truth of.

**Threshold requirements** - are conditions that a plaintiff must meet in order to take another person or entity to court.

**Transcribed** - put (thoughts, speech, or data) into written or printed form

**Tort claim** - a legal filing made in response to a party (typically an individual) who is subjected to a wrongful act that did not include a breach violation

**Unsubstantiated** -  With or without actions. - not supported or proven by evidence

**Appendix B: Complaint Process Checklist**

* Intake
	+ Determine if correspondence is a complaint
	+ Ensure complaint is with appropriate bureau/staff
	+ Assign ID
	+ Log the complaint
* Process [15 days from receipt of complaint]
	+ Criteria. Determine whether the complaint:
		- Is complete? No, identify and request missing information within 15 days.
		- Is timely? 180 days?
		- City has jurisdiction? Yes/No
		- List allegations/issues? Yes/No
		- Is covered under Title II or Title VI?
			* Race, Color, National Origin/Limited English Proficiency, Disability? Yes/No
			* Public program, service, activity, policy, administrative act, etc.? Yes/No
	+ Scope/Limitations
		- IPR Authority? Yes/No
		- Private Right of Action? Yes/No
	+ Accept or Dismiss [15 days from receipt of complaint or when received missing information]
	+ Notify Complainant, refer where necessary, close complaint where necessary
	+ Log
	+ [insert text box at side with limitations, coordination, etc.]
	+ Accepted but filed with another agency? No/Yes - Coordinate, possibly suspend
	+ Accepted but engaged in another City complaint resolution procedure (not specified above)? No/Yes - Coordinate
* Dismiss at any time:
	+ Unresponsive with needed information? Yes/No
	+ Cannot locate? Yes/No
	+ Complaint withdrawn? Yes/No
* “Investigate” [60 days from acceptance notification]
	+ Plan
		- Identify and organize team
		- If possible, resolve with immediate action
		- Write an investigation Plan where necessary
		- Identify needed information
		- Select appropriate data collection methods
		- Create an interview list with preliminary questions
		- Decide on interview methods
		- Arrange for interviews or conversations
		- Create complaint file and related logs/documentation
	+ Investigate
		- Collect information, data, materials other “evidence”
		- Conduct interviews
		- Write up any notes and document data collection efforts and interviews
	+ Correspondence
		- Where possible, keep in contact and work with complainant (if investigation allows)
		- Try to provide periodic updates
		- If investigation lasts longer than 60 days, send timeline extension correspondence
	+ Analysis
		- Cross-check data collected with investigation plan
		- Determine relevance and verify evidence
		- Assemble evidence
		- Draw conclusions and develop patterns established by information
		- Crosswalk with applicable laws and regulations
	+ Develop “Findings,” Conclusions, Actions
		- Summarize complainant position
		- Summarize recipient position
		- Apply statues to data collection
		- Develop and articulate preliminary/recommended conclusions
		- Develop and articulate final conclusions
		- If possible develop recommended actions, use equitable problem solving, policy and service development, collaborate with all stakeholders for buy-in
		- Write complaint summary memo
* Resolve complaint
	+ Title VI/Title II Manager notification/review
	+ Incorporate any feedback as necessary
	+ Draft final letter
		- Informal Resolution
		- Unsubstantiated with or without actions
		- Substantiated with actions
	+ Send final letter
	+ If actions are recommended, please negotiate monitoring updates with complainant
	+ Update complaint file
	+ Update log
* Monitor
	+ Continue with implementing any actions
	+ At interval to be determined, send update letter to complainant
	+ Update and maintain complaint file and internal log
	+ Update Reporting log
* Reporting
	+ Submit log to Title VI/Title II manager annually
* Evaluation & Assessment
	+ Review tracking and reporting at interval yet to be determined
	+ Analyze data and identify patterns
	+ Plan strategies for quality improvement and problem solving
	+ Integrate into compliance & equity reporting, assessments, planning, budgeting, etc.

**Appendix C: Complaint Process Public Notice [***Adapt for bureau use as necessary****]***

**CITY OF PORTLAND CIVIL RIGHTS TITLE VI & ADA TITLE II COMPLAINT PROCESS**

It is the policy of the City of Portland (hereafter referred to as the City) that no person shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in any City program, service or activity, on the grounds of race, color, national origin or disability.

**What is Title VI?**

Title VI is a section of the Civil Rights Act of 1964 that prohibits discrimination on the basis of protected class identity by government agencies that receive federal funding or aid (e.g. local government). In accordance with Title VI, the City of Portland assures that no person shall, on the grounds of race, color, national origin, or English proficiency, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any City of Portland program, service or activity. If you believe that you have been discriminated against by the City of Portland, a city contractor, or a city sub recipient of federal funds on the basis of race or national origin including English Proficiency, you have the right to file a complaint. This is an administrative process that does not provide for compensatory or punitive damages. The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

**What is ADA Title II?**

ADA Title II is a section of the Americans with Disability Act, a civil rights law enacted in 1990, and prohibits the discrimination of people with disabilities by local government. In accordance with ADA Title II, the City of Portland assures that no person shall, on the grounds of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any City of Portland program, service or activity. If you believe that you have been discriminated against by the City of Portland, a city contractor, or a city sub recipient of federal funds on the basis of disability you have the right to file a complaint. This is an administrative process that does not provide for compensatory or punitive damages. The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

**How do I file a complaint?**

[Insert Bureau Name] investigates complaints received no more than 180 days after the alleged incident. [Insert Bureau Name] will process complaints that are complete. Once a completed complaint is received, [Insert Bureau Name] will review it to determine if [Insert Bureau Name] has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by [Insert Bureau Name].

Complainants must be filed with the [bureau designated contact]. If the complainant needs assistance in reducing the complaint to writing or signing it, they may request assistance from the [bureau designated contact] or may have another person write and acknowledge the complaint on their behalf. The form may be sent, faxed or emailed to: [insert bureau contact]

The city’s process is not exclusive. Complaints may also be filed with other state or federal agencies, or the complainant may seek private counsel for complaints of discrimination.

Please visit [insert link to full processes] for a full description of the complaint process, including the scope, limitations, what constitutes a Title VI or Title II complaint, and criteria for acceptance, denial, or dismissal.

**Processing a Complaint**:

Within 15 business days of receiving the complaint, the [bureau designated contact] will notify the complainant of the status of the compliant (informing them whether the complaint will be investigated by [bureau/office]). The [bureau designated contact] will work with all affected parties and attempt to resolve the complaint. The complainant will receive a written decision within 60 business days of the bureaus receipt of the complaint.

You have the right to file a complaint (at any time) with the Department of Justice or any other federal agency, including if you disagree with the decision of the responsible office or bureau. Please visit [insert link to agency resources/contacts] to find a list of federal agency contacts.

**For Civil Rights Title VI** visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or to the Federal Transit Administration:

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

**For ADA Title II** you can file complaints with the State or with the Federal government:

**Local:**

**Bureau of Labor and Industry**: 971-673-0761

Online Complaint Form: <http://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx>

**Oregon Department of Justice**: 503-378-4400

Contact information by department: <https://www.doj.state.or.us/oregon-department-of-justice/contact-us/>

**Federal:**

**United States Department of Justice:**

How to file a complaint: <https://www.ada.gov/filing_complaint.htm>  (gives instructions for online, mail, and fax options).

You may call the ADA hotline at 1-800-514-0301 ex 7 for assistance or submit a complaint directly to:

US Department of Justice 950 Pennsylvania Avenue, NW

Civil Rights Division

Disability Rights Section 1425 NYAV

Washington, D.C. 20530

Fax: (202) 307-1197

It is the policy of the City of Portland that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any city program, service, or activity on the grounds of race, color, national origin, disability, or other protected class status. Adhering to Civil Rights Title VI and ADA Title II civil rights laws, the City of Portland ensures meaningful access to City programs, services, and activities by reasonably providing: translation and interpretation, modifications, accommodations, alternative formats, and auxiliary aids and services.  To request these services, contact XXX-XXX-XXXX [Insert contact information], City TTY 503-823-6868, Relay Service: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या

口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad

Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas

Translation and Interpretation: XXX-XXX-XXXX

**Appendix D: Public Complaint Form [***Adapt for bureau use as necessary****]***

**[City of Portland Bureau/Office] Civil Rights Title VI and ADA Title II Complaint Form**

The City of Portland assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987, or on the grounds of disability as provided by Title II of the Americans with Disabilities Act (ADA) of 1990, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City program, service, or activity.

Any person(s) or organization(s) who believes that they have been discriminated against or denied benefits of any program or activity provided by the City of Portland on the basis of race, color, national origin, English proficiency, or disability may file a complaint.

You may file a complaint against the City, a City contractor, or a City sub-recipient of federal funds. The City’s process is not exclusive. A person filing a complaint with the City may also file a complaint with other state or federal agencies or the courts. Complaints must be filed within 180 calendar days of the alleged discriminatory act.

The purpose of this form is to assist you in filing a complaint under Title II of the ADA or Title VI of the Civil Rights Act. This form provides us with information we can use to help us serve you. The following information is necessary to assist us in processing your complaint. You are not required to use this form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (\*) must be provided if you submit something other than this form.

Should you require any assistance in completing this form, need information in alternative formats, or in a different language, please let us know. You may have another person write and acknowledge the complaint on his or her behalf.

For details of the City of Portland’s Complaint Process, visit: [insert link].

COMPLAINTS CAN BE FILED BY CALLING: [insert phone number]

COMPLAINTS CAN BE EMAILED: [insert email contact]

YOU CAN ALSO COMPLETE THE COMPLAINT FORM BELOW. MAIL COMPLETED FORMS TO: [insert address]

**1. Complainant’s name and contact information**

\*Name:

Address:

\*Home phone and/or Cell phone: Work phone:

\*Email:

Person(s) discriminated against (if other than or in addition to the complainant). List all names:

**2. Do you have any accessible format or language assistance requirements?**

[ ] Yes [ ] No

**3. \*Are you filing this complaint on your own behalf?** [ ] Yes [ ] No

Please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party: [ ] Yes [ ] No

**4. \*I believe the discrimination I experienced was based on (check all that apply):**

 [ ] Race/Color [ ] National Origin [ ] English Proficiency [ ] Disability

**5. When and where did the incident occur?**

\*When (date):

Where (if applicable):

**6. City Bureau/Office, contractor, or sub recipient that discriminated.**

Name:

Address:

City:

State:

Zip Code:

Phone:

Individual(s) that discriminated:

**7. \*In your own words, describe the alleged discrimination. Please explain as clearly as possible: what happened; who was involved; what policy, program, or activity was discriminatory (if applicable); why you believe it happened, and how you were discriminated against. Provide the names and contact information of any witnesses. Use additional sheets of paper, if necessary, and attach a copy of any material relevant to your claim.**

**8. Are you aware of other individuals, groups, organizations, or communities that may have been subjected to the alleged discriminatory actions and/or treatment? If so, please list them.**

**9. What type of action or resolution would you like to see taken?**

**10. \*Have you filed a complaint with any other federal, state, or local agencies, or within any Federal or State Court? \*** [ ] Yes [ ] No

\*If so, list agency/agencies and contact information below:

Contact Name:

Agency:

Address:

Phone:

**11. \*Sign and date the complaint.**

Signature [or type name to verify this form]:

Date:

Print or Type Name of Complainant:

By signing and submitting this form, you agree that: (1) you have read, understand and accept the terms for procedures for tracking and investigating Civil Rights complaints and (2) you affirm that the information above is true to the best of your knowledge.

The City of Portland ensures meaningful access to City programs, services, and activities to comply with Civil Rights Title VI and ADA Title II laws and reasonably provides: translation, interpretation, modifications, accommodations, alternative formats, auxiliary aids and services. To request these services, contact 503-XXX-XXXX, City TTY 503-823-6868, Relay Service: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या

口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad

Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas

Translation and Interpretation: XXX-XXX-XXXX

FOR OFFICE USE ONLY:

Date Received: Received By:

If applicable:

Complaint Lead: Date Received:

Complaint ID:

**Appendix E: Complaint Reporting Log**

See Civil Rights Title VI and ADA Title II Compliance Tracking and Reporting Guidance and Excel Template. Included are the fields which should be logged and reported at the Citywide level with recommended subsequent fields for Bureau Logs.

**Appendix F: Correspondence Templates**

All correspondence should include meaningful access statement. If someone has made a request for accessibility or language services, that needs to be provided through the entire complaint process, including with communications throughout. All templates may be adapted for bureau use as necessary.

If you are interacting with a complainant’s attorney, please work with the City Attorney’s office to establish appropriate correspondence strategies. Generally, most contact (including correspondence) should be with the attorney or arranged through the attorney if the complainant is represented.

**Appendix F (1): Initial Notification Letters.** These letters are generally the first point of contact and include: 1) a request for more information 2) accept the complaint for investigation – meaning the complaint is complete and meets all criteria; 3) dismiss the complaint for investigation (and resolution under this process) – the complaint does not meet the complaint criteria and scope of this process.

 ***Request for Information.*** Your bureau should work with each complainant to ensure that you have sufficient information to properly evaluate the complaint. You must provide appropriate assistance to complainants, including persons with disabilities and individuals who speak a language other than English, who may need help in providing the information you will need to properly assess jurisdiction and investigate the complaint. It is often most helpful to contact the complainant by telephone, if you can reach them, to discuss the information you need.

In instances in which you will need further information in writing, especially when you cannot reach the complainant by telephone, you may wish to send the complainant a Complaint Form. (See sample form, Appendix %%.) However, you should always be certain to advise the complainant that they are not required to use the Complaint Form to submit the complaint or additional information, but rather may choose to send the information in some other format. You may explain that, without the specific information requested, you will be unable to process the complaint further. You should give the complainant a specific deadline by which the requested information should be submitted, generally 30 days from the date of your written request, to complete a complaint. Explain in your letter that failure to provide the requested information by that date will result in a dismissal of the complaint. If the information has not been received by that date, you may dismiss/close the complaint and inform the complainant. Please note that if you have or receive enough information to complete some allegations in a complaint but not others, you may only close those allegations that remain incomplete and should proceed with the analysis and investigation process (if appropriate) of the others.

* Case ID
* Acknowledge the complaint and the date it was received
* Include a description of the complaint as much as possible: against whom, possibly which law or regulation, and possibly on which basis, and the allegations
* Detail what information you need. Be as specific as possible. Ask direct questions. You may want to send a form if that helps, although it is not required. And follow up on information that was provided
* Include a deadline (indicate failure to respond will result in a dismissal)
* Include contact information that provides multiple ways for a person to communicate, including if the complainant has questions
* Include the meaningful access statement
* Attach the Complaint procedures
* Include their rights to file with the Department of Justice at any time.

***Request for Information Template.***

Case ID

Dear,

We have received your complaint against [the recipient] and are reviewing it for possible investigation under [statute]. The complaint was received in our office on [date]. Specifically, you have alleged that [describe allegations].

After a preliminary review of your complaint, it has been determined that additional information is needed from you in order to more fully understand the facts and circumstances that lead you to believe discrimination occurred. Please provide [specify information] to this bureau by [date]. If the information is not received by that date, the case will be dismissed and the [bureau/office] will take no further action.

Any questions or concerns you have regarding the investigative process and your rights can be discussed with [appropriate bureau contact].

You have the right to file a complaint at any time with the Department of Justice or any other federal agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal TransitAdministration**:**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

 [If this is an ADA Title II Complaint, insert appropriate DOJ contact information or if this falls under another federal agency’s portfolio insert appropriate contact]

Sincerely,

Bureau Staff

Enclosure: Civil Rights Title VI or ADA Title II Complaint Procedures

 ***Acceptance Letter.*** This letter should be sent when a complaint is complete, has met all criteria, and has been accepted for investigation. Must include:

* Case ID
* Complaint summary including the date the complaint was received, the “recipient” or who/what the complaint is against, the basis of discrimination, the applicable law, and the issues or allegations.
* Summary of what the investigation will include including a general timeline
* Rights at any time to file with another agency or take a private right of action
* Contact Information
* Meaningful Access statement
* Attachment of the Process
* Cc ADA Title II or Civil Rights Title VI manager

***Acceptance Letter Template.***

Complainant ID:

Dear,

Thank you for contacting [Responsible Bureau]. This letter is to notify you that we have reviewed your complaint against the [Bureau/Office recipient] and are initiating an investigation of your allegations under [statute]. Specifically, you allege that [describe allegations].

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., prohibits discrimination based on race, color, and national origin in the programs, services, and activities of federal funding recipients. The City of Portland complies with Title VI and other civil rights statutes and investigates complaints of discrimination. [Substitute the legislative/regulatory reference above if authority is other than Title VI.]

The investigation will include, where appropriate, a review of pertinent practices and policies, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination as to whether the [Bureau/Office recipient] has failed to comply with the City’s Title VI and other civil rights regulations [insert appropriate regulations]. If the investigation indicates the [Bureau/Office recipient] failed to comply, the [Bureau/Office] will inform you and the recipient, and the matter will be resolved by informal means whenever possible. We will inform you in writing if the investigation does not warrant action.

You should be aware that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the nondiscrimination statutes we enforce. Any individual alleging such harassment or intimidation may file a complaint with the City of Portland or the Department of Justice. We would investigate such a complaint if the situation warrants.

[OPTIONAL TEXT] You should further note that the [Bureau/Office’s] investigation represents the interests of the City and the City does not represent you individually. Our primary goal is to ensure nondiscrimination by the City of Portland and remedial action will be negotiated principally with this goal in mind. This relief may be consistent with your interests; however, you may wish to consult private counsel of your choosing to determine what, if any, relief you may be entitled to receive through private litigation.

[Name of staff member], the lead point of contact, will be contacting you in the near future to schedule an interview with you [by telephone/in person]. We will keep you informed of the progress of our investigation. If you have any questions, please contact [investigator] at [(000) 000-0000] (voice) (711 relay), or electronically at [e-mail address]. Please reference the case ID cited above in all future correspondence or contact with this office.

You have the right to file a complaint at any time with the Department of Justice or any other federal agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal TransitAdministration**:**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

 [If this is an ADA Title II Complaint, insert appropriate DOJ contact information or if this falls under another federal agency’s portfolio insert appropriate contact]

Sincerely,

Enclosure: Civil Rights Title VI Complaint Procedures

C:

[ADA Title II or Civil Rights Title VI Manager

Bureau ADA Title II or Civil Rights Title VI Coordinator?]

 ***Dismissal Letter – Doesn’t meet threshold requirements.*** This letter should be sent when a complaint has not met the criteria or falls outside the scope and limitations of this procedure and therefore, will not be accepted for investigation. Must include:

* Complaint Case ID
* Complaint summary to the best of your ability including the date the complaint was received, the “recipient” or who/what the complaint is against, the basis of discrimination including the law and class, and the issues or allegations.
* Explanation of why the complaint is being denied including any criteria not met.
* Referral information/options where possible
* Right to file with the DOJ
* Right to refile a complaint with updated information (related to denial reason) within the 180-day timeline
* Meaningful Access statement
* Attachment of the Process
* Cc ADA Title II or Civil Rights Title VI Manager and Bureau Coordinator

***Dismissal Letter Template.***

Complaint Case ID

Dear,

This letter acknowledges receipt of your complaint of discrimination on the basis of [insert basis] filed against the [recipient]. The complaint was received in our office on [date]. After a thorough review of the information you provided, it has been determined that the matters raised in your complaint [insert rational or why it the complaint did not meet the necessary criteria, e.g.…. are not related to City of Portland or within the jurisdictional authority of the City of Portland, Oregon]. Therefore, we will take no further action in this matter.

[If a referral is possible, insert referral language. If you are referring internally in the City, please indicate if (and when) you forwarded the complaint and include contact information] However, it appears [insert jurisdiction or agency] may have authority over the matter. Please contact [referral jurisdiction or agency] with your complaint. Any questions about this referral and all further correspondence should be addressed to:

[Insert referral agency contact information]

You have the right to file a complaint at any time with the Department of Justice or any other federal agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal TransitAdministration**:**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

[Insert appropriate DOJ contact if this is an ADA Title II complaint or insert appropriate federal contact if this falls under a different civil rights law]

You may refile an updated complaint within 180 days of the alleged discrimination, if you have new or different information that, you believe, would make the complaint acceptable to pursue investigation.

Thank you.

Sincerely,

Enclosure: Civil Rights Title VI Complaint Procedures

C:

[ADA Title II or Civil Rights Title VI Manager

Bureau ADA Title II or Civil Rights Title VI Coordinator?]

 **Appendix F(2): Other Dismissal Letter (at any time).** A complaint can be dismissed at any time (including during processing) because the complainant is unresponsive, cannot be located, or has withdrawn the complaint. If the complainant is unresponsive during processing and therefore the complaint is not complete, this letter should be sent rather than a Denial Letter. Must include:

* Complaint Case ID
* Complaint summary to the best of your ability including the date the complaint was received, the “recipient” or who/what the complaint is against, the basis of discrimination including the law and class, and the issues or allegations.
* Explanation of why the complaint is being dismissed including a description and dates of any attempts to communicate.
* Referral information/options where possible
* Right to file with the DOJ
* Right to refile a complaint within the 180 days of alleged discrimination.
* Meaningful Access statement
* Attachment of the Process
* Cc ADA Title II or Civil Rights Title VI Manager and Bureau Coordinator

***Other Dismissal Letter (at any time) Template.***

Complaint Case ID

Dear,

This is a notification that your complaint of discrimination on the basis of [insert basis] filed against the [recipient] and received our office on [date], is dismissed and [responsible Bureau/Office] will no longer pursue complaint resolution. As outlined in the City of Portland [insert appropriate complaint procedure] the City of Portland may dismiss a complaint for the following reason(s): [insert criteria; for example, the complainant fails to respond to repeated requests for additional information needed to process the complaint].

[Insert summary description related to dismissal…For example: Upon receipt of a complaint, the (responsible Bureau) determines whether the complaint will be accepted based on criteria including if the complaint is complete or additional information is needed; if so, the complainant will be notified of information is needed. On (date), an email was sent to you requesting (specific needed information). On (date), we called and left a message requesting the needed information and providing contact information. A second email requesting information was sent on (date), which stated that if a that if a response was not received by (date) your complaint would be dismissed per City procedure. No response was received to either inquiry.]

Therefore, this matter is dismissed, and we will take no further action.

You have the right to file a complaint at any time with the Department of Justice or any other federal agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal TransitAdministration**:**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

[Insert appropriate DOJ contact if this is an ADA Title II complaint or insert appropriate federal contact if this falls under a different civil rights law]

You have the right to refile a complaint of discrimination with the City of Portland within 180 days of the alleged discrimination.

Thank you.

Sincerely,

Enclosure: Civil Rights Title VI Complaint Procedures

Cc:

[ADA Title II or Civil Rights Title VI Manager

Bureau ADA Title II or Civil Rights Title VI Coordinator]

 **Appendix F (3): Investigation Correspondence.** The team will want to document internal and external correspondence during the investigation. Below is a selection of common correspondence to external stakeholders during the investigation stage.

***Notice to a Contractor or Sub-recipient.*** The team can use this template to provide notice to a contractor, sub-recipient, or even the recipient/subject once a complaint has been accepted for investigation and resolution.

***Notice to Contractor or Sub-recipient Template.***

Case ID

Dear [name of recipient],

A complaint of discrimination, dated [insert date], has been filed with [insert responsible bureau/office] against the [name of the recipient]. The complaint was received by [responsible bureau/office] on [date received].

The allegation raised by the complainant is covered under [insert regulation, e.g. Title VI of the Civil Rights Act of 1964 (Title VI)]. The [responsible bureau/office] investigation will focus on the following allegation(s):

[insert summary of complaint allegation].

In accordance with [insert appropriate civil rights administrative rule], the [insert responsible bureau/office] is required to investigate complaints of discrimination to determine whether the [recipient name with relationship, e.g. recipient X, as a sub-recipient of Bureau X] has failed to comply with [enter appropriate civil rights title, i.e. Title VI] requirements.

[Names of Investigation Team or person you want to serve as point of contact] has been assigned to investigate the complaint. As part of the investigative process, we may need to conduct interviews with you or need you to provide documentation [If you know some of the documentation you need, you can also include a request they provide the documents outlined below or in the enclosed request for information, etc. If so, include a deadline]. You will be contacted at a later date to make arrangements as necessary. [May need to include a clause regarding confidentiality and policies regarding freedom and access to information]

If you have any questions regarding this matter, you may contact [Name of point of contact] at [email, phone, or both].

Sincerely,

[Meaningful Access Statement – short or long version - with appropriate contact]

 ***Request for Interview.***

*Complainant Interview Invitation Template.*

Complaint ID

Dear,

I am currently investigating [summary of discrimination complaint, e.g. your allegations of discriminatory treatment based on protected class status] received on [date complaint received]. Thank you for the information you have already provided. I am writing to ask if you would be willing to [meet/talk] to review the [incident/complaint] and your recommendations?

We would be grateful for your time, and if you would [meet/talk] with us, we will try to schedule at your convenience. The interview should take about [approximate time]. It will be conducted by [interviewers names, titles, bureau/offices]. We are happy to host the meeting at our office [address]. The building is [provide location description, nearby parking and transit options along with a comment that parking expenses will be reimbursed]. We can also meet at a location more convenient for you. Or, if you are not available to meet in person, would you be available for an interview over the phone?

 We would like to schedule the interview preferably between [date range option]. Please contact [name in bureau/office] to arrange a time, and if necessary, another location for the meeting. You can reach them at [phone number, relay, email].

 If there is anything you are unsure of or wish to seek clarification, please do not hesitate to contact me. Thank you again.

Sincerely,

[Meaningful Access Statement – short or long version - with appropriate contact information]

*Witness Interview Invitation Template.*

Complaint ID

Dear,

I am currently investigating [an incident that occurred on…a compliant related to]. [Thank them if they provided a report/statement, e.g. Thank you so much for your account of the incident, reported on date.] As you may be able to further help with our internal investigation as a witness, I am writing to ask if you would be willing to [meet/talk] to review the [incident/complaint]?

We would be grateful for your additional assistance, and if you would [meet/talk] with us, we will try to schedule at your convenience. The interview should take about [approximate time]. It will be conducted by [interviewers names, titles, bureau/offices]. We are happy to host the meeting at our office [address]. The building is [provide location description, nearby parking and transit options along with a comment that parking expenses will be reimbursed]. We can also meet at a location more convenient for you. Or, if you are not available to meet in person, would you be available for an interview over the phone?

 We would like to schedule the interview preferably between [date range option]. Please contact [name in bureau/office] to arrange a time, and if necessary, another location for the meeting. You can reach them at [phone number, relay, email].

 If there is anything you are unsure of or wish to seek clarification, please do not hesitate to contact me. Thank you again.

Sincerely,

[Meaningful Access Statement – short or long version - with appropriate contact information]

 *Recipient: City Staff or sub-recipients Interview Invitation Template.*

Complaint ID

Dear [insert recipient name, representative name, point of contact, etc.],

As you may know, a [enter civil rights title] complaint of discrimination, alleging [complaint summary] was received on [date] by [responsible bureau/office].

The complaint was accepted for review and we are currently proceeding with a [civil rights title] investigation.

[If the bureau has interviewed others and are concluding with the recipient, you may want to include a sentence stating the bureau/office has interviewed the witnesses and/or the complainant and would now like to invite [name of recipient(s) to an interview to discuss the allegations raised in the complaint] The [bureau/office] like to invite [name of recipient(s)] to an interview to discuss the allegations raised in the complaint [directly invite if you are writing to the recipient you want to interview]. We propose an interview on [date] at [time and place]. [Recipient] may of course bring whomever they would like to accompany them to the interview.

To confirm, reschedule, or decline the interview, please contact [name] at [contact information: phone, email, or both] by [date]. Feel free to contact [name] with any questions. Thank you.

Sincerely,

[Recipient managers or supervisors as necessary]

[Meaningful Access Statement – short or long version - with appropriate contact information]

***Notice of Investigation Extension.***If at the end of 60 days, the bureau needs more time to investigate, the bureau must notify complainant. The notification must include:

* Complaint ID
* Statement of the need for the extension
* Current status of the investigation (where the team is in the process)
* Anticipated timeframe
* Notice that federal agencies have deadlines for filing complaints
* Referral to those agencies
* Contact information
* Meaningful access statement

***Notice of Investigation Extension Template.***

Complaint ID

Dear,

[May want to make communication more personal by starting out with a statement like: I hope this email/letter finds you well.] The [responsible bureau/office] is still in the process of investigating your complaint of discrimination, received on [date], alleging violations of [civil rights title].

We apologize, to ensure a thorough investigation, we will need longer than 60 days to complete. We are currently in the process of [provide a summary status update]. We anticipate we will need [estimate amount of time past 60 days needed to complete the investigation].

There are deadlines for filing complaints of discrimination with other agencies. Our process is not exclusive and your right to file is not dependent on the outcome of the [bureau/office] investigation. You have the right to file a complaint with the Department of Justice or any other federal agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal Transit Administration:

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

 [If this is an ADA Title II Complaint, insert appropriate DOJ contact information or if this falls under another federal agency’s portfolio insert appropriate contact]

I’m sorry if the investigation time has inconvenienced you in any way. Thank you for your patience with this process and please feel free to contact me with any questions.

Sincerely,

[Meaningful Access Statement – short or long version - with appropriate contact information]

***OEHR (ADA Title II or Civil Rights Title VI Manager) Complaint Resolution Review.*** To help us help you we have requested in the Civil Rights complaint policy that before you send your decision letter to the complainant you send OEHR Civil Rights Managers a simple email with complaint details. This is not for tracking but is a mechanism to get a “second opinion” to ensure you decision is reasonable and in compliance. We will make every effort to respond back in 5 business days. You may proceed with your letter to the complainant after the five days even if you have not heard back.

For Civil Rights Title VI complaints email: Danielle.Brooks@portlandoregon.gov

For ADA Title II complaints email: Nickole.Cheron@portlandoregon.gov

Your email to us should include the following information:

* Nature of the complaint (brief sentence)
* The date the complaint was received
* How the complaint is being resolved
* Complaint summary memo – redact contact information (only include case ID)
* Any supporting information regarding why the bureau came to the resolution

***Sample Complaint Review Email.***

Danielle,

We received a complaint, ID: OEHR\_DB\_583H4Z, 4/23/19 against an employee by a community member who felt our inspector was being racist.

We investigated the complaint through interviews which each party and could not find anything conclusive. We have, in light of the complaint, integrated a new section in inspector training on cultural competency within customer service, and will make the complainant aware of this in our decision letter.

Thank You,

**Appendix F (4): Resolution Letters.** To complete a complaint investigation, the investigation team must send the complainant a resolution letter. Different types of letters will be issued to the complainant depending on the findings of an investigation or how the case is resolved. All closure letters, however, should include the following:

* The Case ID;
* A statement of City’s jurisdictional authority, including the legal basis for the investigation;
* A statement of each issue and the applicable regulation;
* An explanation of the status of any issues that were investigated but are not included in the letter or any issues that were raised but not investigated;
* A summary statement of any investigation findings and any actions.
* A statement on the prohibition of retaliation by the recipient against the complainant or anyone who has either acted or participated in an action to secure rights protected by the civil rights statutes;
* A notification of the complainants right to appeal to a federal agency with basic contact information, file with another agency, or take private action;
* Name and contact information of staff for additional information;
* Meaningful Access Statement.

***Informal Resolution Letter.*** The bureau may decide on a course of action suitable to the complainant that allowed for resolution of the complaint without the need to substantiate (or refute) claims of discrimination or noncompliance. The letter can simply explain the issues and the steps the recipient has taken or agreed to take to resolve the issues. In addition to the list above, these types of letters should include the following:

* The steps that the recipient has taken or will take to come into compliance and if necessary, an explanation of how these actions meet the requirements of the applicable regulation(s);
* Statement that failure to take or continue these actions may result in a violation and that compliance will be monitored, if necessary; and
* If applicable, the date(s) that any promised action will occur and when monitoring or other notices/monitoring will be due.

***Informal Resolution Letter Template.***

Complaint ID

Dear,

This letter serves as the completion/closure letter of the complaint of discrimination that you filed, received on [date] by [responsible bureau/office], alleging [briefly describe complaint of discrimination. Provide a list as needed].

The City of Portland complies with Title VI and other civil rights statutes and investigates complaints of discrimination under its authority to enforce certain federal and state civil rights statutes and regulations. [Substitute appropriate legislative/regulatory reference.] The City takes such allegations very seriously and will not tolerate [basis: discriminatory treatment, discriminatory impact, noncompliance] in our programs, services, and activities.

In order to resolve this matter [if applicable insert a summary of any process of resolution including collaboration/working with the complainant to identify resolution actions (e.g. fact finding and looking into best practice; removing a barrier; use of a mediator; etc.). Include any specific date or reference any meetings or emails where the method of resolution was agreed upon by the bureau and the complainant]. To resolve the matter and assure our intention not to discriminate, [responsible bureau/office] has taken/is taking the following actions: [provide a summary list of actions the bureau will or has implemented to resolve the issues identified in the complaint].

[Depending on the nature of the complaint and actions, the bureau may want to provide a monitoring update to complainant as an act of accountability:] [Responsible bureau/office] will provide you with a brief update on our progress [time interval] from the date of this letter. Please let us know if you do not wish to receive this communication.

 [I/We] would like to thank you for participating and [I/we] appreciate you bringing your concerns forward. The City fully welcomes comments and concerns from our community with the overall goal to improve our public services. You should feel free to bring such matters to our attention at any time, without fear of any adverse action being taken against you for doing so.

Federal and state law, as well as City policy, protects individuals from being retaliated against because of their involvement in an investigative process. All parties were instructed that there can be no retaliation towards any of the participants. If you feel you are being retaliated against for your participation in the complaint or investigation, please notify [contact name] with [responsible bureau/office] immediately so we may take appropriate action.

The City’s process is not exclusive, and you have the right to file a complaint with another appropriate agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal TransitAdministration**:**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

[Insert appropriate DOJ contact if this is an ADA Title II complaint or insert appropriate federal/state contact if this falls under a different civil rights law]

Questions, comments and assistance may be addressed to [insert name or title of contact and contact information].

Sincerely,

C: [ADA Title II or Civil Rights Title VI Manager

Bureau ADA Title II or Civil Rights Title VI Coordinator?]

[Insert Meaningful Access Statement]

***Substantiated Complaint Resolution Letter.*** Substantiated complaint means the recipient is found to be in noncompliance (or the investigation yielded findings of noncompliance and support the complaint). All substantiated letters, in addition to the above list, should include:

* A list of all actions (taken or planned) the bureau will implement to resolve issues identified in the complaint – in rare instances it may not be appropriate to describe actions, if so, please comment the bureau has taken appropriate actions.
* When appropriate (and without objection from the complainant), bureaus should provide a status update. If so, notify the complainant that you will provide an update of the bureau’s progress, give a timeline, and provide the option to opt out.

***Substantiated Complaint Resolution Letter Template.***

Complaint ID

Dear,

The [responsible bureau/office] has completed the investigation of the complaint of discrimination that you filed. In your complaint, received on [date], you alleged [briefly describe complaint of discrimination]. [If additional detail is needed, describe allegations, provide a list if needed].

The City of Portland complies with Title VI and other civil rights statutes and investigates complaints of discrimination under its authority to enforce certain federal and state civil rights statutes and regulations. [Substitute appropriate legislative/regulatory reference.] The City takes such allegations very seriously and will not tolerate [basis: discriminatory treatment, discriminatory impact, noncompliance] in our programs, services, and activities. A thorough investigation was conducted into these concerns in accordance with City policy.

[Depending on the nature of the complaint, the bureau may optionally include a summary of investigation:] The investigation included [brief description of actions – interviews; reviewing all available documents and information gathered related to the complaint; etc.].

Based off a comprehensive and thorough inquiry, [I, we, responsible bureau/office] have determined that the discriminatory allegation is substantiated/confirmed. As a result, [responsible bureau/office and recipient] has taken the following actions: [provide summary list of actions (taken or planned) the bureau will implement to resolve issues identified in the complaint – in rare instances it may not be appropriate to describe actions, if so, please comment the bureau has taken appropriate actions].

[Depending on the nature of the complaint and actions, the bureau may want to provide a monitoring update to complainant as an act of accountability:] [Responsible bureau/office] will provide you with a brief update on our progress [time interval] from the date of this letter. Please let us know if you do not wish to receive this communication.

 [I/We] would like to thank you for participating and [I/we] appreciate you bringing your concerns forward. The City fully welcomes comments and concerns from our community with the overall goal to improve our public services. You should feel free to bring such matters to our attention at any time, without fear of any adverse action being taken against you for doing so.

Federal and state law, as well as City policy, protects individuals from being retaliated against because of their involvement in an investigative process. All parties were instructed that there can be no retaliation towards any of the participants. If you feel you are being retaliated against for your participation in the complaint or investigation, please notify [contact name] with [responsible bureau/office] immediately so we may take appropriate action.

The City’s process is not exclusive, and you have the right to file a complaint with another appropriate agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal TransitAdministration**:**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

[Insert appropriate DOJ contact if this is an ADA Title II complaint or insert appropriate federal/state contact if this falls under a different civil rights law]

Questions, comments and assistance may be addressed to [insert name or title of contact and contact information].

Sincerely,

C: [ADA Title II or Civil Rights Title VI Manager

Bureau ADA Title II or Civil Rights Title VI Coordinator?]

[Insert Meaningful Access Statement]

***Unsubstantiated Complaint (with or without actions) Resolution Letter.***  Unsubstantiated means we could not substantiate the complaint of discrimination. This can range from the findings of the investigation clearly not supporting the complaint of discrimination to not enough evidence to verify that discrimination occurred. These types of letters should also include the following:

* An explanation of why the recipient and responsible bureau was found in compliance;
* A list of any procedural violations or concerns, such as lack of posted notice, or other concerns uncovered during the investigation. Inclusion of these items will put both the responsible bureau, the recipient, and the complainant on notice that certain practices are questionable and that without corrective steps a future violation finding is possible;
* Furthermore, if the bureau decides to take actions, a description of any steps the recipient has taken or will take and if necessary, an explanation of how these actions meet requirements and address issues; and
* Notification of the complainant’s appeal rights to the appropriate federal agencies.

***Unsubstantiated Complaint (with or without actions) Resolution Letter Template.***

Complaint ID

Dear,

The [responsible bureau/office] has completed the investigation of the complaint of discrimination that you filed. In your complaint, received on [date], you alleged [briefly describe complaint of discrimination]. [If additional detail is needed, describe allegations, provide a list if needed].

The City of Portland complies with Title VI and other civil rights statutes and investigates complaints of discrimination under its authority to enforce certain federal and state civil rights statutes and regulations. [Substitute appropriate legislative/regulatory reference.] The City takes such allegations very seriously and will not tolerate [basis: discriminatory treatment, discriminatory impact, noncompliance] in our programs, services, and activities. A thorough investigation was conducted into these concerns in accordance with City policy.

[Depending on the nature of the complaint, the bureau may optionally include a summary of investigation:] The investigation included [brief description of actions – interviews; reviewing all available documents and information gathered related to the complaint; etc.].

Based off a comprehensive and thorough inquiry, [I, we, responsible bureau/office] have concluded that the evidence obtained during the investigation does not support the allegation(s) raised in your complaint.

[Depending on the nature of the complaint, the bureau may want to include a summary explanation of why the bureau was found in compliance or allegations were unsubstantiated.]

[If your bureau/office decides to take actions include a description:] The [bureau/office], however, finds it necessary to take action to address concerns brought forth by this complaint, prevent similar incidents from happening in the future, and ensure equitable, quality programs, services, and activities. To address these issues the [bureau/office] are planning actions in the following areas: [list actions or planned actions.]

[I/We] would like to thank you for participating and [I/we] appreciate you bringing your concerns forward. The City fully welcomes comments and concerns from our community with the overall goal to improve our public services. You should feel free to bring such matters to our attention at any time, without fear of any adverse action being taken against you for doing so.

Federal and state law, as well as City policy, protects individuals from being retaliated against because of their involvement in an investigative process. All parties were instructed that there can be no retaliation towards any of the participants. If you feel you are being retaliated against for your participation in the complaint or investigation, please notify [contact name] with [responsible bureau/office] immediately so we may take appropriate action.

The City’s process is not exclusive, and you have the right to file a complaint with another agency. If you disagree with our determination, you may lodge your complaint with the Department of Justice or another appropriate agency. Visit the Department of Justice, Civil Rights Division, Federal Coordination and Compliance Review Section for additional information including federal agency contacts: <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

You may call the Title VI hotline at 1-888-848-5306 for assistance or submit a complaint directly to:

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Or/and to the Federal TransitAdministration**:**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

[Insert appropriate DOJ contact if this is an ADA Title II complaint or insert appropriate federal/state contact if this falls under a different civil rights law]

Questions, comments and assistance may be addressed to [insert name or title of contact and contact information].

Sincerely,

C: [ADA Title II or Civil Rights Title VI Manager

Bureau ADA Title II or Civil Rights Title VI Coordinator?]

[Insert Meaningful Access Statement]

***Resolution Status Update Letter.***

To ensure accountability and transparency responsible bureaus/offices should provide an update on the progress of actions resulting from a complaint, regardless of type of resolution (informal, unsubstantiated with actions, substantiated). A year from the date of the resolution letter is usually a good timeframe to send an update. This is an important element of transparency and accountability. Bureaus should, however, be respectful of the complainant and their experience; if the complainant opted out, expressed they do not want further contact or to receive an update, do not send them correspondence and keep progress documentation internal. Resolution Status Update Letter should include:

* Complaint ID
* Indication of the date of the complaint and the bureau
* List of the actions determined in resolution and a summary of any progress over the given timeframe including implementation steps and results of the actions
* Gratitude for bringing this to our attention and providing an opportunity for improvement
* Contact Information
* Meaningful Access Statement

***Resolution Status Update Letter Template.***

Complaint ID

Dear,

We are reaching out to provide you with a status update on the actions taken in response to the [date] complaint of discrimination you filed with [responsible bureau/office].

Over the past [increment of time], [responsible bureau/office] has:

[Provide a list of each action determined during the investigation and provide a summary of any progress, include any implementation steps and, when possible, positive results. Also include any actions related or as a result that may have been developed later and therefore were not included in the resolution letter]

[I/We] would like to thank you again for participating and [I/we] appreciate you bringing your concerns forward. The City fully welcomes comments and concerns from our community with the overall goal to improve our public services.

Questions, comments and assistance may be addressed to [insert name or title of contact and contact information].

Sincerely,

C: [ADA Title II or Civil Rights Title VI Manager

Bureau ADA Title II or Civil Rights Title VI Coordinator?]

[Insert Meaningful Access Statement]

**Appendix G: Investigation Plan Checklist and Template**

What is an Investigation Plan? A working document that serves as a blueprint to complete an investigation. A formal, written investigation plan is not required but it may be helpful in outlining the team’s course of action. At a minimum, investigation plans usually include:

* Contact Information for the Complaint
* Contact Information for the Recipient (the program, service, division, etc. that the complaint is against and the contact person)
* Investigation Team
* City and Bureau’s jurisdiction over the matter, that it meets timeliness, etc. (if necessary)
* Applicable Laws
* Basis(es) – general & specific
* Description of the issues, including identification of the specific action, policy, or practice responsible for the alleged discrimination (what does the case allege?);
* Applicable legal theories (e.g., intentional discrimination/disparate treatment or disparate impact/effects, noncompliance with regulations/guidelines);
* Data, documentation and evidenced needed - to be gathered during the investigation (tied to each issue) and any proposed methodology of collection
* Proposed activity schedule (including anticipated sequence of case activities such as on-site visits and interviews, and timeframes).
* Interviews
	+ General plan
	+ Who, setting, when, style
	+ Questions
* The case file should contain documentation that supports the decisions made with respect to each of the above planning elements.

**Investigation Plan Template**

**Case ID**

XXX\_XX\_XXXXXX

**Complainant**

Name

Address

Phone number

Email

**Recipient**

Specific Program, Service, Activity, Act, division, etc.

Bureau/Office

Address

Phone

Contact: Name, Position

**Investigation Team**

Team member name, Title

**I. Jurisdiction and Authority**

This section should note that a covered basis of discrimination (e.g., race, national origin, or disability) has been alleged in a timely fashion against a City Bureau or Office, contractor or sub-recipient, in the provision a public program, service, activity, and/or administrative act, making this applicable as an ADA Title II or Civil Rights Title VI complaint and giving the bureau authority to investigate.

For example:

Timeliness: Complainant alleges ongoing violations.

Recipient Status: How this applies under legal authority

Basis: Race—African American (for example)

Legal Authority: Title VI of the Civil Rights Act of 1964 (for example)

**II. Issues**

Here the investigator should identify the specific action, policy, or practice responsible for the alleged discrimination (e.g., denial of services, harassment, retaliation for filing a complaint, provision of unequal services, disparate impacts of an administrative act). The issues should be numbered.

For example:

1. Complainant alleges that…

2. Complainant alleges that….

3. Complainant alleges that….

**III. Applicable Legal Theories**

The applicable legal theory of discrimination, which will determine the standards of proof needed to establish a violation, should be listed in this section. Two primary legal theories are used to establish a case of prohibited discrimination: intentional discrimination/disparate treatment and disparate impact/effects. Or Noncompliance with the provisions and requirements of ADA Title II.

**IV. Data Needed**

In this section, the investigation team should list the data that must be gathered during the investigation and their source. Both documentary evidence, such as business records, and testimonial (or oral) evidence should be listed. The list of documents may correspond to the Issues outlined in Section II above.

For example:

Issue #1

Complainant alleges that …

Documents Needed

1. Policies and procedures regarding the XXXXXX process (Source: Recipient).

2. Copies of all documents used in the XXXXXXXX process (Source: Recipient).

3. Documents that show XXXXXX (Source: Recipient).

4. Data demonstrating impact of decision (Source: Complainant; Recipient; Consultant)

A list of interview questions for the complainant, recipient, and witnesses may be included in this section.

**Appendix H: Complaint Summary Memo Checklist and Template**

Generally, a Complaint Summary (or Investigation Report) Memo includes the following:

* Complainant(s) Name and Address
* Recipient(s) Name and Address, including appropriate contact person
* Investigation Team
* Applicable Law/Regulation
* Basis(es)
* Issues
* Summary of Investigation Methodology
* Findings and analysis for each issue
* Conclusion for each issue
* Recommended Decision
* Recommended Actions (if applicable)

**Complaint Summary Memo Template**

**Case ID**

XXX\_XX\_XXXXXX

**Complainant**

Name

Address

Phone number

Email

**Recipient**

Specific Program, Service, Activity, Act, division, etc.

Bureau/Office

Address

Phone

Contact: Name, Position

**Investigation Team**

Team member name, Title

**I. Introduction**

This section should provide the reader with a historical overview and orientation of the recipient and general introduction to the complaint.

**II: Applicable Laws**

For example, Title VI of the Civil Rights Act of 1964; Title 23 of the City Code; etc.

Jurisdiction and Authority

**III: Basis**

For example, Race—Asian

**IV. Summary of Methodology**

Here the investigator should explain how the investigation was conducted, what documents were reviewed, and which witnesses were interviewed. The investigator need not provide the names and addresses of the witnesses, but should provide the reader with both quantitative and qualitative information about what they did with sufficient specificity to identify the types of documents reviewed (e.g., ADA transition plans, business plans, citizen complaints, internal grievances) and the category and number of witnesses interviewed (e.g., three witnesses for the complainant, seven witnesses for the recipient, and two individuals identified by the investigator).

**V. Findings and Analysis for Each Allegation**

All facts relevant to the investigator’s analysis and recommended determination in the case should be set forth in this section. It is important both to the resolution process and for establishing credibility of the determination that only clear, accurate, and factual evidence be included in this section. Facts should be presented in a logical sequence, such as the chronological order of the events or by subject matter. Factual issues in dispute should be resolved through examination of the relevant documents and the testimony in the record. Where appropriate, specific evidence supporting a finding should be cited, e.g., “statement of John Doe, who was at the meeting with the director on June 2, 2019.” Each fact or series of related facts should be sequentially numbered and listed separately.

In this section, the investigator also conducts an analysis of the facts presented and draws their conclusions as to the validity of the complainant’s allegations based on that analysis. Each fact should be weighed against the allegation to which it pertains, and theory of discrimination or noncompliance either established based on the preponderance of the evidence or the allegation rejected as without merit. An example from the Federal Highway Administration shows how this section could be organized:

**Issue #1**

Complainant James Doe alleges that he has submitted 30 bids to prime contractors in the State DOT for highway contracts during the past two years. The Complainant alleges that he has not received a telephone call or any other communication from these contractors since he started filing complaints of race discrimination.

**Analysis**

The State DOT stated that it does not receive bids submitted to the prime contractors. The State DOT further stated it does not require prime contractors to document how they process bids that are received from DBE firms or identify all DBE bidders and provide reasons for how they chose the successful DBE bidder. Tab 12 The record shows that Complainant James Doe was not awarded any contracts anytime during the period reviewed for this investigation. The record shows that African American DBEs are not awarded contracts in accordance with their representation in the DBE program. The record further shows that State DOT does not have a procedure in place to monitor the selection practices of its prime contractors. The regulations at 49 CFR § 21.7 and the Federal-aid project agreements require that the recipients of federal financial assistance provide assurances that all programs will be conducted in compliance with all the requirements of Title VI and other related statutes. The record shows that State DOT is not carrying out this requirement with regard to the prime contractor’s selection of DBEs.

**IV. Decision and Corrective/Remedial Actions**

In this section, the investigator includes a brief statement indicating the decision or resolution of the investigation. Next, the investigator describes the action(s), if any, the recipient and bureau will take in order to make the complainant whole and eliminate the discriminatory practices. See Actions section. The investigator should ensure that the remedy the bureau seeks will provide both remedial relief for identified victims and prospective relief (e.g., changes in policies and procedures, training for staff, development of adequate procedures, a public notice to beneficiaries concerning new procedures) required to bring the recipient into compliance. Both remedial and potential relief (corrective action) should be specifically identified, not implied.

**Appendix I: Complaint File Checklist**

The complaint file is a structured compilation of all documents and information pertaining to the case. A complaint file should be established for each complaint which your bureau accepts for investigation and resolution. The bureau is responsible for creating and maintaining the case file; closed files should be maintained for a minimum of 5 years. Create a secure master file with subfolders for each category/entry. We recommend creating a cover sheet outlining all materials and content in the complaint file.

* Cover sheet outlining contents [optional]
* Complaint (form, correspondence, written documentation of the complaint)
* Correspondence as outlined above and any other relevant correspondence you feel it is necessary to document in the file
	+ Correspondence To/From Complainant
	+ Correspondence To/From Recipient or Sub-recipient/contractor
	+ Internal City/Bureau Correspondence
* Evidence: Research, materials, documentation, policies, procedures, notes from site visits, interview notes and recordings, etc., any other “evidence” collected during the investigation
* Investigation Plan (if applicable)
* Investigation Team Documents (if applicable)
	+ Communication Log: recommend team create a spreadsheet or table logging communications including fields for time, date, type, to/from, and notes (if applicable).
	+ Investigation Team Log: a brief record – spreadsheet or table - of the investigation team’s actions (e.g. interview; document request; site visit). Could be combined with communication log. Excluding communications fields, would include fields for date, action, name (of team member), and notes.
	+ Any relevant notes
* Complaint summary memo and Complaint Resolution Letter
* Any documentation relating to the monitoring of actions (if applicable)

**Appendix J: Selected Resources [still building – will be added to and updated over time]**

For uploaded documents please visit the Additional Resources page on our website.

Investigation procedures manual for the investigation and resolution of complaints alleging violations of Title VI and other nondiscrimination statutes United States. Dept. of Justice. Civil Rights Division. Coordination and Review Section. Dept. of Justice Civil Rights Division Coordination and Review Section | 1998: [http://www.enviro-lawyer.com/DOJ%20Investigations%20Procedures%20Manual%20(1998).pdf](http://www.enviro-lawyer.com/DOJ%20Investigations%20Procedures%20Manual%20%281998%29.pdf)

Title VI Legal Manual. Dept of Justice. Civil Rights Division. <https://www.justice.gov/crt/case-document/file/934826/download>

Procedures Manual For Processing External Complaints of Discrimination. Federal Highway Administration. Office of Civil Rights: <https://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm#appendices>

DOT External Civil Rights Complaint Processing Manual, U.S. Department of Transportation Departmental. Office of Civil Rights External Civil Rights Programs Division | 2007: <https://cms.dot.gov/sites/dot.gov/files/docs/externalcomplaintmanual-final_0.pdf>

Case Resolution Manual. Environmental Protection Agency. External Civil Rights Compliance Office | 2017: <https://www.epa.gov/sites/production/files/2017-01/documents/final_epa_ogc_ecrco_crm_january_11_2017.pdf>

Title VI of the Civil Rights Act of 1964: <https://www.justice.gov/crt/fcs/TitleVI>

Limited English Proficiency/Language Services: <https://www.lep.gov>

Title II of the Americans with Disabilities Act of 1990: <https://www.ada.gov>

**Appendix K: Selected Agency and Jurisdiction Referral Guide**

**FEDERAL:**

**Department of Justice – Civil Rights Title VI (Central Authority)**

Federal Coordination and Compliance Section - NWB

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

Phone: (888) 848-5306 - English and Spanish (ingles y español)

Voice: (202) 307-2222

TTD: (202) 307-2678

Complaint Line: 888-736-5551

<https://www.justice.gov/crt/how-file-complaint>

**Department of Justice – ADA Title II (Central Authority)**

US Department of Justice 950 Pennsylvania Avenue, NW

Civil Rights Division

Disability Rights Section 1425 NYAV

Washington, D.C. 20530

Fax: (202) 307-1197

ADA Information Line: 800-514-0301 (voice)

TTY: 800-514-0383

Main Section Telephone Number: 202-307-0663 (voice and TTY)

<http://www.ada.gov/fact_on_complaint.htm>

[www.ada.gov/complaint/](http://www.ada.gov/complaint/)

**Any complaints where the agency receives any federal aid from transportation should be forwarded or copied to the Department of Transportation, FTA, FHWA**

**U.S. Department of Transportation**

Department of Transportation

Departmental Office of Civil Rights

1200 New Jersey Ave, S.E.

Washington, DC 20590

United States

Phone: 202-366-4648

Fax: 202-366-5575

TTY/Assistive Device: 202-366-9696

<https://www.transportation.gov/civil-rights/complaint-resolution/public-complaint-process>

**Federal Transit Administration**

Office of Civil Rights

Federal Transit Administration

1200 New Jersey Avenue, SE

Washington, DC 20590

United States

Phone: 888-446-4511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

**Federal Highway Administration**

Federal Highway Administration

U.S. Department of Transportation

Office of Civil Rights

1200 New Jersey Avenue, SE

8th Floor E81-105

Washington, DC 20590

Phone: 202-366-0693

Email: FHWA.TitleVIcomplaints@dot.gov or FHWA.ADAcomplaints@dot.gov

<https://www.fhwa.dot.gov/civilrights/>

<https://www.fhwa.dot.gov/civilrights/file/>

All agency contacts -<https://www.justice.gov/crt/fcs/Agency-OCR-Offices>

Stateof Oregon Contact: <https://sos.oregon.gov/blue-book/Pages/state/list.aspx>

**U.S. Equal Employment Opportunity Commission**

131 M Street, NE

Washington, DC 20507

Phone: 202-663-4900

TTY: 202-663-4494

Toll Free: 1-800-669-4000 or 1-800-669-6820 (TTY).

<https://www.eeoc.gov/policy/vii.html>

<https://www.eeoc.gov/employees/charge.cfm>

How to file: https://www.eeoc.gov/facts/howtofil.html

Portal: <https://publicportal.eeoc.gov/Portal/Login.aspx>

**Seattle Field Office**

Federal Office Building

909 First Avenue, Suite 400

Seattle, WA 98104-1061

Phone: 1-800-669-4000

Fax: 206-220-6911

TTY: 1-800-669-6820

**U.S. Department of Labor**

Office of Federal Contract Compliance Program

Phone: 1–800–397–6251

TTY: 1–877–889–5627

<https://www.dol.gov/ofccp/regs/compliance/pdf/pdfstart.htm>

**U.S. Department of Housing and Urban Development**

Office of Fair Housing and Equal Opportunity

U.S. Dept. of Housing and Urban Development

451 Seventh St. SW, Room 5204

Washington, DC 20410-2000

Toll Free: 1-800-669-9777

TTY: 1-800-927-9275

<https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint>

Regional List: <https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fheo>

**Region X: Alaska, Idaho, Oregon, and Washington**

Seattle Regional Office of FHEO

U.S. Department of Housing and Urban Development

Seattle Federal Office Building

909 First Avenue, Room 205

Seattle, Washington 98104-1000

Phone: (206) 220-5170

Toll Free: (800) 877-0246

TTY: (206) 220-5185

Civil Rights Complaints: ComplaintsOffice10@hud.gov

**Portland Field Office**

Edith Green-Wendell Wyatt

Federal Office Building

1220 SW Third Avenue, Suite 400

Portland, OR 97204-2825

Or Tony Ramirez, Field Office Director

Phone: (971) 222-2600

Fax:(971) 222-0357

**U.S. Department of Health and Human Services**

Centralized Case Management Operations

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201

Phone: 1-800-368-1019

TDD: 1-800-537-7697

Email: OCRMail@hhs.gov

<https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>

Complaint portal: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

**U.S. Department of Energy**

Office of Economic Impact and Diversity

U.S. Department of Energy

1000 Independence Avenue, SW

Washington, DC 20585

(202) 586-2218

<https://www.energy.gov/diversity/services/protecting-civil-rights/title-vi>

**Environmental Protection Agency**

External Civil Rights Compliance Office

U.S. Environmental Protection Agency

Mail code 230A

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Phone: (202) 564-3316

Fax: (202) 564-0196

Email: Title\_VI\_Complaints@epa.gov

<https://www.epa.gov/ogc/external-civil-rights-compliance-office-title-vi>

**Federal Emergency Management Administration**

FEMA-Office of Equal Rights

ATTN: CIVIL RIGHTS TITLE VI PROGRAM

300 D St, SW, 8th floor

Washington, D.C. 20472-3505

Toll free: 1-800-621-FEMA (3362) or TTY 1-800-427-5593

Phone: (202) 646-3535

Voicemail: (202) 646-3638 (voicemail)

[https://www.fema.gov/office-equal-rights#](https://www.fema.gov/office-equal-rights)

<https://www.fema.gov/faq-details/Reporting-Civil-Rights-complaint/>

**U.S. Department of the Interior**

Director, Office of Civil Rights,

Department of the Interior,

1849 C Street, NW

Washington, DC, 20240.

Phone: (202) 208-5693

Fax: (202) 208-6112

TTY: (202) 219-3102

<https://www.doi.gov/pmb/eeo/>

**U.S. Department of Justice (for Criminal Justice related complaints)**

950 Pennsylvania Avenue, NW

Civil Rights Division

Criminal Section

Washington, DC 20530

**Local Federal Bureau of Investigations (for Criminal Justice related complaints)**

9109 NE Cascades Parkway

Portland, OR 97220

Phone: (503) 224-4181

<https://www.fbi.gov/contact-us/field-offices/portland>

**US Department of Justice, Office of Justice (for Criminal Justice related complaints)**

Office for Civil Rights

Office of Justice Programs

U.S. Department of Justice

810 Seventh Street NW

Washington, DC 20531

Phone: 202-514-2000

<https://ojp.gov/about/ocr/complaint.htm>

**Educational Opportunities Section, U.S. Department of Justice**

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W.

Educational Opportunities Section, PHB

Washington, D.C. 20530

Phone: (202) 514-4092

1-877-292-3804 (toll-free)

Fax: (202) 514-8337

Email: education@usdoj.gov

<https://www.justice.gov/sites/default/files/crt/legacy/2011/09/22/filecomp.pdf>

**U.S. Department of Education**

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg.

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012;

TDD: 800-877-8339

Email: OCR@ed.gov

<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

 **Office of Civil Rights National Headquarters – Regional Branch:**

Office for Civil Rights

U.S. Department of Education

915 Second Avenue Room 3310

Seattle, WA 98174-1099

Telephone: 206-607-1600

FAX: 206-607-1601

TDD: 800-877-8339

Email: OCR.Seattle@ed.gov

**Immigrant and Employee Rights Section, U.S. Department of Justice**

Immigrant and Employee Rights Section,

U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue, N.W. (NYA)

Washington, D.C. 20530

Worker Hotline: 1-800-255-7688 [Voice] or 1-800-237-2515 [TTY]

Employer Hotline: 1-800-255-8155 [Voice] or 1-800-237-2515 [TTY]

Direct Office Line: 1-202-616-5594 [Voice] or 1-202-616-5525 [TTY]

Fax: (202) 616-5509

Email: ier@usdoj.gov

**STATE:**

State of Oregon: <https://www.oregon.gov/pages/index.aspx>

**Oregon Bureau of Labor and Industry, Civil Rights Division**

Oversees discrimination in employment, housing, public accommodation, vocational/career schools

**Portland Office:**

800 NE Oregon St

Suite 1045

Portland, Oregon 97232

Portland: 971-673-0764

Technical Assistance: 971-673-0824

Email: crdemail@boli.state.or.us

<https://www.oregon.gov/boli/crd/pages/index.aspx>

<https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx>

**Oregon Department of Transportation**

ODOT Office of Civil Rights at

Toll Free Phone: (855) 540-6655

TTY: 711

Internet Relay: <http://www.sprintip.com>

Email: ODOT.TITLEVI@odot.state.or.us

<https://www.oregon.gov/ODOT/Business/OCR/Pages/Non-Discrimination.aspx>

<https://www.oregon.gov/ODOT/Business/OCR/Pages/OCR_DIS_CMPLNT_FORM.aspx>

**Oregon Health Authority**

Office of Equity and Inclusion Division

421 SW Oak St., Suite 750,

Portland, OR 97204 Web: www.oregon.gov/OHA/OEI

Phone: 1-844-882-7889, 711 TTY

Email: OHA.PublicCivilRights@state.or.us

<https://www.oregon.gov/oha/OEI/Pages/Contact-Us.aspx>

**Oregon Department of Human Services**

Office of Equity and Multicultural Services

500 Summer Street NE

Salem, OR 97301-1063

Phone: (503) 947-5448

Fax: (503) 581-6198

Email: OfficeEquity.MulticulturalServices@state.or.us

**Oregon Housing and Community Services**

North Mall Office Building
725 Summer Street NE, Suite B
Salem OR 97301-1266

Phone: (503) 986-2000

FAX: (503) 986-2020

Email: hcs\_housinginfo@oregon.gov

<https://www.oregon.gov/ohcs/Pages/contact-us.aspx>

**Oregon Department of Education**

Civil Rights/Equal Opportunity, Office of Educational Improvement & Innovation

Phone: 503-947-5675

Fax: 503-378-5156

<https://www.oregon.gov/ode/students-and-family/equity/civilrights/Pages/FilingComplaint.aspx>

**Oregon State Building Codes Division**

Building Codes Division

Attn: Enforcement

P.O. Box 14470

Salem, OR 97309-0404

Phone: 503-378-3278

Fax: 503-378-2322

Email: bcd.complaint@oregon.gov

<https://www.oregon.gov/bcd/enforcement/Pages/complaint.aspx>

**REGION:**

**Metro**

Clifford Higgins, Title VI Coordinator, Metro,

600 NE Grand Ave., Portland, OR 97232

Telephone: 503-813-7514

Fax: 503-797-1797

TDD: 503-797-1804

Email: clifford.higgins@oregonmetro.gov

<https://www.oregonmetro.gov/regional-leadership/access-metro/know-your-rights/metro-s-procedures-tracking-and-investigating>

**Multnomah County**

Multnomah County

Civil Rights Administrator

501 SE Hawthorne Blvd.

Portland, OR 97214

Phone: 503-988-3399

Email: diversity.equity@multco.us

<https://multco.us/multnomah-county/notice-non-discrimination>

**Washington County**

Washington County Administrative Office

Attn: Assistant County Administrator

155 N First Avenue, Suite 300, MS 21

Hillsboro, OR 97124-3072

Phone: 503-846-8685

Fax: 503-846-4545

Email: cao@co.washington.or.us

<https://www.co.washington.or.us/CAO/diversity-equity-and-inclusion.cfm>

**Clackamas County**

Emmett Wheatfall, Civil Rights Coordinator

Clackamas County Administration

2051 Kaen Rd., Suite 450

Oregon City, OR 97045

Phone: 503-655-8291

Email: ewheatfall@clackamas.us

Form: <https://dochub.clackamas.us/documents/drupal/7a1835d2-dd37-4d6c-90c9-530164340728>

<https://www.clackamas.us/diversity>

**City of Beaverton**

Title VI Coordinator, Cultural Inclusion

City of Beaverton

PO Box 4755

Beaverton, OR 97076-4755

Email: TitleVI@BeavertonOregon.gov

Phone: 503-526-2503

Fax: 503-526-2479

<https://www.beavertonoregon.gov/1636/Title-VI-Non-Discrimination-Policy>

**City of Gresham**

<https://greshamoregon.gov/Nondiscrimination-Policies/>

Title VI:

Joe Walsh

Phone: 503-618-2372

Email: Joe.Walsh@GreshamOregon.gov

<https://greshamoregon.gov/Title-VI-Program/>

<https://greshamoregon.gov/Title-VI-Discrimination-Complaint-Form/>

ADA Title II:

Toby Hazelbaker

Phone: 503-618-2322

Email: Toby.Hazelbaker@GreshamOregon.gov

<https://greshamoregon.gov/Americans-with-Disabilities-Act-Title-II-Program/>

**TriMet**

Civil Rights Investigator

1800 SW 1st Ave., Suite 300

Portland, OR 97201

Phone: 503-962-2217

Fax: 503-962-6469

Email: administration@trimet.org

<https://trimet.org/equity/civilrights.htm>

<https://trimet.org/about/titlevi.htm>

ADA: Danielle Tamcsin

Phone: 503-962-2246

Fax: 503-962-3095

Email: tamcsind@trimet.org

<https://trimet.org/access/ada.htm>

**Fair Housing Council (Can contact for assistance or contact HUD directly)**

1221 SW Yamhill St. #305,

Portland, OR 97205

Phone: 503-223-8197 Ext.2

Toll Free: 1-800-424-3247

Email: information@fhco.org

<http://fhco.org/>

**Clackamas County Educational District**

Human Resources

PO Box 216

Marylhurst OR 97036-0216

Phone: 503-675-4004

Fax: 503-675-4200

<http://www.clackesd.k12.or.us/>

**Multnomah County Educational Service District**

Department of Human Resources

11611 NE Ainsworth Circle

Portland OR 97220-9039

Phone: 503-257-1511

Fax: 503-257-1525

<http://w3.mesd.k12.or.us/>

**Washington County Northwest Regional Education Service District**

Department of Human Resources

5825 NE Ray Circle

Hillsboro OR 97124-6436

Ph: 503-614-1280 Fax: 503-614-1628

<http://www.nwresd.k12.or.us/>

**Portland Public School District**

ADA Accessibility/District 504 Contact: 503-916-5460

ADA Employment Queries Contact: 503-916-3544

Title VI Contact: 503-916-6499

Title IX Contact: 503-916-3340

<https://docs.google.com/forms/d/e/1FAIpQLSdFMkqqzhZ2qYWGUhXVhggQV416uh2pkjsUkzrhvyz5eclOhA/viewform>

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/4.50.032-P.pdf>

**Parkrose Public School District**

Michelle Markle

Director of Student Services; Section 504 Coordinator; Title II (ADA) Coordinator; Title IX Coordinator

Phone: 503-408-2118

Email: michelle\_markle@parkrose.k12.or.us

<https://www.parkrose.k12.or.us/index.php?id=273>

**David Douglas School District**

Holly Hill, Human Resources Director

1871 NE Stephens,

Roseburg, Oregon, 97470;

Phone: 541.957.4837

Fax: 541.440.4771

<https://douglasesd.k12.or.us/sites/douglasesd.k12.or.us/files/File/human-resources/Discrimination-Complaint-AC-R-G1.PDF>

**Reynolds School District**

1204 NE 201st Avenue

Fairview, Oregon 97024

Phone: 503-661-7200

<https://www.reynolds.k12.or.us/district/non-discrimination-notice>

Equal opportunity, Title VII and District Title IX: Frank Caropelo, Assistant Superintendent at (503) 661-7200 ext. 3206

Athletics Title IX: Chris Coleman, Athletic Director (503) 667-3186 ext. 1008

District 504: Michelle Murer, Student Services Executive Director at (503) 661-7200 ext. 3214

American Disabilities Act: Jennifer Ellis, Director of Human Resources at (503) 661-7200 ext. 3418

**Beaverton School District**

Title II Officer- Ginny Hansmann, 503-356-4328

Title IX Officer- David Williams, 503-356-4330

District 504 Manager, Robin Day, 503-356-3900

<https://www.beaverton.k12.or.us/about-us/Pages/Nondiscrimination-Policy.aspx>

<https://www.beaverton.k12.or.us/district/policies>

<https://www.beaverton.k12.or.us/dist/Admin%20Regs%20and%20Policies/A%20Policies/AC.pdf>

**Centennial School District**

18135 SE Brooklyn St,

Portland, OR 97236,

Phone: 503-760-7990

<http://csd28j.org/statement-non-descrimination/>

**CITY OF PORTLAND:**

**City ADA Title II Coordinators:** <https://www.portlandoregon.gov/oehr/66525?a=454403>

**City Civil Rights Title VI Coordinators:** <https://www.portlandoregon.gov/oehr/67053>

**Human Resources**

**General:**

1120 SW Fifth Avenue, Rm 404,

Portland, OR 97204

Phone: 503-823-3572

**Non-City employee:** Specific Bureau or BHR Employment and Outreach Office

<https://www.portlandoregon.gov/bhr/60421>

**City Employee:** Supervisor; Manager; Director; BHR staff; BHR Employment and Outreach Office

<https://www.portlandoregon.gov/bhr/60421>

BHR Employee Relations Team Assignments: <https://www.portlandoregon.gov/bhr/59984>

**ADA Title I:** Anais Keenon, Disability Resources and Employment Specialist

Bureau of Human Resources

111 SW Columbia Street, Room 550

Portland, OR 97201

Email: anais.keenon@portlandoregon.gov

**Procurement**

1120 SW 5th Avenue, Rm 1250

Portland, OR 97204

Phone: 503-823-5288

Fax: 503-823-5384

<https://www.portlandoregon.gov/brfs/26522>

**Risk Management**

1120 SW 5th Avenue, Rm 1250

Portland, OR 97204

Phone: 503-823-5288

Fax: 503-823-5384

<https://www.portlandoregon.gov/brfs/26525>

**City Attorney’s Office:**

1221 SW 4th Avenue, Room 430

Portland, OR 97204

Phone: 503-823-4047

Fax: 503-823-3089

<https://www.portlandoregon.gov/attorney/>

**City Ombudsman**

1221 SW 4th Avenue, Room 310

Portland, OR 97204

Phone: 503-823-0144

Email: ombudsman@portlandoregon.gov

Online Form: <https://www.portlandoregon.gov/ombudsman/64986>

<https://www.portlandoregon.gov/ombudsman/26647>

**Independent Portland Police Review**

1221 SW 4th Avenue, Room 140

Portland, OR 97204

Phone: 503-823-0146

FAX: 503-823-4571

Email: ipr@portlandoregon.gov; crc@portlandoregon.gov;

Online Form: <https://www.portlandoregon.gov/ipr/52031>

<https://www.portlandoregon.gov/ipr/26646>

**“Code Enforcement” Compliance, Bureau of Development Services**

Enforcement Program

1900 SW 4th Ave. Suite 5000

Portland OR 97201

Phone: 503-823-CODE (2633)

Online form: <https://www.portlandoregon.gov/bds/42240>

<https://www.portlandoregon.gov/bds/34170>

**Appendix L: ADM-18.02 - Title VI Civil Rights Complaint Procedures [insert amended procedures/links]**

**Appendix M: ADM-18.20 - Title II ADA Complaint Procedures [insert amended procedures/links]**