

## Title VI and ADA Complaint of Discrimination Procedure

### **Introduction**

Tribal One (Mith-ih-kwuh Economic Development Corporation) has established this Complaint of Discrimination Procedure to address, remedy and resolve concerns of discrimination. **These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA).** Title VI prohibits discrimination based on race, color, national origin in any program or activity administered by Tribal One or its sub-recipients, consultants and/or contractors. The ADA prohibits such discrimination against individuals with disabilities or individuals who have a record of or are regarded as having a disability. Retaliation or intimidation of any kind is also prohibited by law.

These procedures do not negate or limit the right of the complainant (the person making a complaint) to file formal complaints with other state or federal agencies. These procedures are part of an administrative process that does not provide for remedies such as compensatory damages for the complainant.

Tribal One serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. Tribal One is located in North Bend, Oregon. Tribal One is responsible for conducting investigations of alleged incidents of discrimination and taking remedial actions as needed to address concerns of discrimination. The complainant is advised of their rights under state and federal laws and is given a copy of this procedure.

### **Complaint Basis**

This policy governs complaints based on issues involving race, color, national origin, or disability.

Protected characteristics relevant to this procedure include:

<b>Category</b>	<b>Definition</b>	<b>Example</b>
Race	The perception based on physical characteristics that a person is a member of a racial group.	Black, White, Native American/Indian.
Color	The color and/or shade of skin within a racial group.	Black, white, dark or light brown, etc.
National Origin	A group of people who share a common language, culture, ancestry and/or other social characteristics. Includes discrimination based on heritage or country of original citizenship. Also includes discrimination based on language or accent.	Cuban, Vietnamese, Mexican.
Disability	A disability is an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.	An individual with a visual impairment, or who uses a mobility device like a wheelchair.

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### **Complaint Process**

Any individual or group of individuals who believe that they have been subjected to discrimination prohibited by Title VI and ADA nondiscrimination procedures based on race, color or national origin (including Limited English Proficiency) or disability may file a written complaint to Tribal One Human Resources. A formal complaint should be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

The complaint should meet the following requirements in that it should:

- Be made in writing or submitted electronically to Tribal One Human Resources;
- Be submitted on the “Title VI and ADA Discrimination Complaint Form” and signed by the complainant(s);
- Include the full name and address(es) of the complainant(s);
- Include the date(s) of the alleged act(s) of discrimination;
- Include the full name(s), job title(s), and work address(es) of the accused party(ies), if known;
- Include a detailed description of the alleged act(s) of discrimination (specify all issues and circumstances of the alleged discrimination);
- Identify the basis of the complaint (i.e., race, color, national origin, LEP, disability); and
- Include the name(s), address(es), and telephone number(s) of any person who may have knowledge of the alleged incident.

Complaints should be filed within 180 days of the alleged act of discrimination; meet the above procedures for filing; and allegations must be based on issues pertaining to race, color or national origin (including limited English Proficiency).

In cases where a complainant cannot provide a written complaint, assistance will be provided by Tribal One Human Resources. However, all complaints must be signed by the complainant or its legal designee except where prevented by a disability.

A signature provided by a legal designee must be accompanied by written permission from the complainant.

### **Complaint Investigation**

Following receipt and review of the complaint, Tribal One Human Resources or a designee issues a letter acknowledging receipt of the complaint.

1. The accused party(ies) will be notified that a complaint has been filed against them within 10 days of accepting the complaint. When applicable, the accused party(ies) is/are advised of their right to representation by the union.

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2. Barring extenuating circumstances outside of the investigator's control, the investigator will conduct a fact-finding investigation and provide a resolution, if one is possible, within ninety (90) business days of receipt of the complaint and notify all involved parties in writing whether there was a violation of Title VI. This will include notification to the complainant of their right to appeal the results to Tribal One Human Resources.
3. All investigation findings will be reported to Tribal One Human Resources or their designee.
4. Should the complainant elect to appeal the decision, they must do so in writing to Tribal One Human Resources within ten (10) business days after receipt of the complaint resolution proposed by Tribal One Human Resources or investigator designee. Failure to appeal within this period shall be interpreted as acceptance of this resolution.
5. Tribal One Human Resources or their designee will review the case to determine what, if any, additional information is needed. If additional information is required from the appellant, he/she will be provided reasonable advance notice of a meeting and will be advised of his/her/their right to present relevant information at that time.
6. Tribal One Human Resources or their designee will render a written decision regarding the appeal, no later than thirty (30) business days from the date of the filing of the appeal which will be sent to the appellant. Should this decision differ from the findings of the investigation, it will also be sent to all parties involved and Tribal One Human Resources. **The decision of Tribal One Human Resources or their designee is final.** However, does not preclude the complainant from pursuing other means of resolution under federal and/or state law.
7. All records of complaints and dispositions thereof shall be maintained and regularly reviewed by Tribal One Human Resources who will pay particular attention to the detection of any patterns in the nature of the complaints. All such records shall be retained on a strictly confidential basis, except where disclosure is required by law.