

Title VI Civil Rights Complaint Procedures

Purpose

It is the policy of Washoe County (the County) that no person may be excluded from, denied benefits, or be otherwise subjected to discrimination in any County program, service, administrative act, or activity, on the basis of their race, color, or national origin. To ensure and monitor the County's ongoing compliance with Title VI of the Civil Rights Act, this administrative rule establishes procedures to investigate and equitably resolve complaints under Title VI of the Civil Rights Act (Title VI).

Scope

Any person or class of persons who believes they have been subjected to discrimination in the receipt of County benefits or services based on their race, color, or national origin, which includes limited English proficiency, in violation of Title VI, has the right to file a complaint with Washoe County.

This process applies to all complaints filed under Title VI of the Civil Rights Act of 1964, arising from any activity, program, or service offered by the County, whether it be produced in whole or part with a contractor. This procedure provides guidelines for early and equitable resolution of complaints under Title VI. This complaint procedure does not provide compensatory or punitive damages for the complainant.

The County's complaint procedures for Title VI claims are not exclusive. A person who files a complaint with the County under this procedure may also file complaints with other local, state, or federal agencies, or courts, and may seek private counsel. If a complaint is filed with the County and is filed externally during the same time period, the County's Title VI complaint procedures may be suspended pending outcome of the external complaint. Filing a complaint under this procedure does not toll the time for filing claims under any other applicable local, state, or federal statutes. Pursuant to County procedure, it may be necessary for the County to notify and coordinate with federal agencies on complaints filed with the County.

Limitations

1. These Title VI complaint procedures do not apply to complaints that relate to matters outside the jurisdiction of Title VI. These Title VI complaint procedures do not cover complaints based on protections under other Civil Rights statutes or protected classes.
2. The intent of these procedures is to provide alternative internal investigation and dispute resolution separate from those established for legal action against the County. These Title VI complaint procedures may be suspended when complainants use a legal channel, such as filing a tort claim notice or other litigation. The Civil Rights Officer will notify the complainant that the County will cooperate with the legal process and whether an internal investigation under these procedures will be abated.

Civil Rights Title VI Complaint Procedures

A) Filing a Complaint

1. To be accepted for review under these rules, the complaint must:
 - a) allege discrimination on the basis of race, color, or national origin, which includes limited English proficiency;
 - b) be filed within one hundred eighty (180) calendar days of the alleged discrimination or when the alleged discrimination became known to the complainant; and
 - c) involve a County program, service, benefit, or activity, or an administrative act by the County or its employee, subrecipient, or contractor.
2. Per the publicly posted County department Title VI contact list, the complaint should be filed with the County department (Responsible Department) that is responsible for the facility, program, service, benefit, activity, event, communications, or contract or agreement, or where the situation, practice, or action implicated in the complaint occurred.

If the identity of the Responsible Department is not known, complaints may be filed with the County's Title VI Civil Rights Officer/Coordinator for referral to the Responsible Department.

3. Complaints should be in writing and may be in the complainant's preferred language. Complainants may use the complaint form provided by the County or any other mechanism. Complaints made orally should be transcribed in writing by the person receiving the oral complaint.

4. Complaints should include:

- a) the complainant's name, address, phone number, email and/or other contact information;
- b) the date of the alleged act of discrimination and/or the date when the complainant became aware of the alleged discrimination, the last date of the conduct or the date the conduct was discontinued.
- c) a description of the discriminatory act in sufficient detail to enable the Responsible Department to understand what occurred;
- d) the basis for the alleged discrimination (race, color, national origin, including limited English proficiency), including any information about the person(s) or class of persons who experienced the alleged discriminatory act(s); and
- e) the names and contact information of any witnesses, including County employees or contractors.
- f) The corrective action being sought by the complainant.

B) Processing a Complaint

1. Complaint Tracking Number – the Responsible Department will contact the Civil Rights Office who will assign the complaint a tracking number upon receipt of the complaint.
2. For purposes of this policy, “business day” means when the County is open for business.
3. If a complaint meets the threshold requirements under (A)(1) of this section, the Responsible Department will:
 - a) notify the complainant, in writing, within thirty (30) business days of receipt, that the complaint is accepted to pursue an investigation, and provide the tracking number;
 - b) advise the complainant upon notification to accept the complaint that they have the right to file complaints with other local, state, or federal agencies, or the courts; and



c) send the Civil Rights Office a copy of the complaint and Notice of Acceptance of complaint.

C) Dismissing a Complaint

1. The Responsible Department may dismiss a complaint for any of the following reasons:

a) the complainant withdraws the complaint;

b) the complainant fails to respond to three or more requests for additional information needed to process the complaint;

c) the complainant cannot be located; or

d) the complaint does not meet the threshold requirements under (A)(1) of this section. If a complaint does not meet the threshold requirements under (A)(1), the Civil Rights Office will provide written notification to the complainant within thirty (30) business days of receipt of the written complaint.

2. Notifications dismissing a complaint must provide:

a) the basis of the dismissal and the tracking number;

b) advise the complainant that they have the right to file complaints with other local, state, or federal agencies, or the courts.

3. If a complaint is dismissed under this subsection:

a) the Responsible Department must retain a copy of the complaint and Notice of Dismissal in its complaint management record; and

b) provide a copy of the complaint and Notice of Dismissal to the complainant and the Title VI Civil Rights Office.

D) If a complaint is filed alleging discrimination not covered under Title VI complaint procedures, the Civil Rights Officer will notify the complainant that the complaint cannot be processed as a Civil Rights Title VI complaint and will be referred to the appropriate department, when possible.

E) Investigating and Resolving a Complaint

1. Once a complaint has been accepted under (B)(3) of this section, the Responsible Department will manage and coordinate the complaint investigation,

explore options for resolution, and attempt to resolve the complaint at the lowest level possible. Informal mediation may be used at any stage as a means of resolution. The Responsible Department may seek the technical assistance of District Attorney's Office for advice on investigating and responding to the complaint. Departments may establish additional procedures and guidelines for complaint investigation and resolution as appropriate to internal operations and administration and in accordance with these rules.

2. The Responsible Department from which the complaint initiates will work with identified County staff and the complainant on options for resolution.
3. The Responsible Department will complete discrimination complaint investigations within ninety (90) business days after written notice of acceptance of the complaint. If the investigation is expected to exceed 90 business days, the Responsible Department will notify the complainant of a revised timeline and the reason for the delay.
4. Once the investigation is complete, the Responsible Agency must provide a written response to the complainant with the findings and actions to be taken.

Monitoring

The Responsible Department must monitor implementation of any remedial actions and provide periodic updates to complainants on a schedule specified during resolution, copying the Civil Rights Office.

Documentation and Reporting

A) The Responsible Department and/or Civil Rights Office must maintain a detailed file for each complaint, including intake, decision, relevant communications, steps taken, findings, and responses, which must be retained for at least five years.

B) County departments must collect data and submit relevant complaint information to the Civil Rights Office for Countywide tracking as the complaint is investigated and resolved.

C) The Civil Rights Office will collect and retain complaint information from Countywide tracking.

D) County departments and agencies must annually assess complaint data to monitor progress, inform quality improvement efforts, and support any other compliance activities including compliance reporting to the County and, as appropriate, to other agencies, as advised by the Civil Rights Office and District Attorney's Office.

Responsibility

- A) The Civil Rights Officer is authorized to administer and monitor this policy.
- B) The Civil Rights Officer or designee is authorized to create forms to implement this policy.
- C) The Civil Rights Title VI Coordinator is responsible for:
1. Supporting the Civil Rights Officer in the administration and monitoring of the Civil Rights Title VI Complaint Procedures;
 2. Providing ongoing countywide guidance for all departments regarding Civil Rights Title VI complaints;
 3. Maintaining a publicly accessible notice as to the identified Civil Rights Title VI Coordinator(s) and any designees for each County agency or department as well as the Civil Rights Officer and Coordinator and contact information for intake and management of Civil Rights Title VI complaints;
 4. Developing and managing mechanisms and systems for ongoing countywide tracking of Civil Rights Title VI complaints, including informational materials;
 5. Tracking, assessing, and reporting of countywide Civil Rights Title VI complaint data to demonstrate compliance; monitor compliance activities; inform countywide training, resource needs, and quality improvement efforts to support Civil Rights Title VI compliance;
 6. Providing a complaint form that is accessible to the public that can be used by all departments or agencies for Civil Rights Title VI complaints;
 7. Providing technical assistance to designated department or agency personnel in the determination of applicability, completeness, investigation, analysis, resolution, and coordination/referral when needed.
- D) Each Department or County agency is responsible for complying with these complaint procedures, addressing Civil rights Title VI complaints, and developing and implementing any procedures specific to the management of Civil Rights Title VI complaints within that department or agency, including:
1. Identifying personnel responsible for managing the intake, investigation, resolution, documentation, reporting, and tracking of all complaints;
 2. Developing specific steps for completing the complaint process including intake, evaluation, coordination, referral, determination of applicability and completeness, investigation, analysis, remedial action development, implementation, resolution, recordkeeping, communications, tracking and reporting in a countywide tracking system;
 3. Developing tools, process, and timeframes for evaluating data generated from tracked Civil Rights Title VI complaints;

4. Disseminating and maintaining information regarding notification of rights, Civil Rights Title VI complaint management, department or agency contact information, and tracking processes to ALL staff and to the public;
5. Providing Civil Rights Office data on complaint tracking, monitoring, evaluating, reporting and all other countywide Civil Rights Title VI compliance activities.