

Unified Government of Athens-Clarke County's
Title VI Nondiscrimination Complaint Procedures

Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, and the Civil Rights Restoration Act of 1987 relating to any program or activity administered by ACCUG or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

Right to File Complaints

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the recipient and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Procedures

1. Any individual, group of individuals, or entity that believes it has been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with ACCUG's Title VI Coordinator using the Title VI Complaint Form attached hereto and incorporated herein by reference. A formal complaint must be filed in writing or in person by the complainant and/or his/her representative no later than 180 calendar days after the alleged discrimination occurred or after the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including but not limited to names and job titles of those individuals perceived as parties in the complained-of incident.
 - d. Generally, the Title VI Coordinator will acknowledge receipt of a complaint within 10 days of it being submitted and inform the complainant of action taken or any possible action to process the complaint; provided that the complainant must first provide the identity(ies) of the complainant(s) and affirm its intent to proceed with the complaint.
 - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to the Title VI Coordinator for processing.

Failure of the complainant to respond to requests for information may result in a dismissal of the complaint.

2. Upon receiving the written complaint, ACCUG will determine its jurisdiction, acceptability of the complaint, need for additional information, and the investigative merit of the complaint. In some situations, ACCUG may request GDOT's Office of Equal Employment Opportunity to conduct the investigation. In the event GDOT handles the investigation, GDOT will follow its adopted procedures for investigating discrimination complaints, per its current Title VI Plan.
3. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
4. If the complaint is against a subrecipient, consultant, or contractor under contract with ACCUG, the appropriate sub-recipient, consultant, or contractor shall be notified of the complaint within fifteen (15) calendar days of the County receiving the complaint.
5. Once ACCUG decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged in the Title VI Coordinator's records along with the basis for the allegation identified and the race, color, national origin, handicap/disability, age and gender of the complainant.
6. In cases where ACCUG assumes the investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish the Title VI Coordinator with his/her response to the allegations.
7. Within 60 calendar days of the acceptance of the complaint, the Title VI Coordinator (or GDOT investigator) will prepare an investigative report. Only qualified, well-trained investigators should conduct the investigations. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The investigative report shall be reviewed by the ACCUG Attorney's office (the "Attorney"). The Attorney may discuss the report and its recommendations with the Title VI Coordinator and other staff as appropriate. The report will be modified as needed and made final for its release to the complainant and respondent.

9. Once the investigative report becomes final, briefings will be scheduled with the complainant and respondent within fifteen (15) calendar days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
10. A copy of the final investigative report and a copy of the complaint will be forwarded to the Georgia Department of Transportation Office of Equal Employment Opportunity within sixty (60) calendar days of the completion of the briefings.
11. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), he or she shall be advised of his/her rights to appeal ACCUG's decision to GDOT, United States Department of Transportation (USDOT), United States Department of Justice (USDOJ), or other entity as appropriate. The complainant has thirty (30) calendar days after ACCUG's briefing to appeal. Unless new facts not previously considered come to light, reconsideration of ACCUG's opinion will not be available.
12. A Complaints Log shall be maintained annually by ACCUG. The Complaints Log shall contain the following information for each complaint filed:
 - a. The name and address of the person filing the complaint
 - b. The date of the complaint
 - c. The basis of the complaint
 - d. The disposition of the complaint
13. ACCUG shall not be allowed to investigate a complaint against itself.