

Title VI Nondiscrimination Policy Statement

The **City of Albany** assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The **City of Albany** further assures every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs and activities are federally funded or not.

If the **City of Albany** distributes federal aid funds to another governmental entity, the **City of Albany** will include Title VI language in all written agreements and will monitor for compliance. The **City of Albany's** Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other **City of Albany** responsibilities as required by 23 CFR 200 and 49 CFR 21.

Title VI Discrimination Complaint Procedure

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, sex, age, national origin or disability may file a written complaint with the **City of Albany**.

Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person became aware of the alleged discrimination; or
- If there has been a continuing or the latest instance of the discriminatory conduct.

Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail. Please note: A complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision and signature before processing.
- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained of incident.

Upon receipt of the complaint, the **City of Albany** will acknowledge receipt of complaint, determine jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In cases where the complaint is against one of the **City of Albany's** sub recipients of federal highway funds, the **City of Albany** will assume jurisdiction and will investigate and adjudicate the case. Complaints against the **City of Albany** will be referred to the New York State

Department of Transportation's Office of Civil Rights for proper disposition. In special situations warranting intervention to ensure equity, the NYSDOT Office of Civil Rights may assume jurisdiction and either complete or obtain services to review or investigate matters.

Acceptance of a complaint will be determined by

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
- Whether the allegations involve a program or activity of a Federal-aid recipient
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

A complaint may be dismissed for the following reasons

- The complainant requests the withdrawal of the complaint;
- The complainant fails to respond to repeated requests for additional information needed to process complaint;
- The complainant cannot be located after reasonable attempts.

The **City of Albany** has sole authority for accepting complaints for investigation. Once the **City of Albany** decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and be logged into the **City of Albany's** records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).

In cases where the **City of Albany** assumes investigation of the complaint, the **City of Albany** will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of the **City of Albany's** written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 calendar days of the acceptance of the complaint, the **City of Albany** or NYSDOT investigator will prepare an investigative report for the **City of Albany** Title VI Coordinator and the **Mayor**. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The **City of Albany's** Title VI Coordinator and **Mayor** will have 10 calendar days to review and provide comments to the investigator.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the **City of Albany** Law Department for review. The Law Department attorneys will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the **City of Albany** Law Department will be reviewed by the **Mayor**. There will be a period of 10 calendar days for the **Mayor** to discuss the report and any recommendations with the **City of Albany's** Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

The **City of Albany**'s final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

The **City of Albany** will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.

The corresponding USDOT modality will issue the final decision to the **City of Albany** based on the investigative report.