



## Title VI Policy

Title VI of the Civil Rights Act of 1964 provides as follows:

***No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.***

### **Montgomery County Government:**

- Will not deny any person service, assistance or other benefit for which you are qualified;
- Will not provide any person with a service different from that provided to others under the same program;
- Will not subject any person to separate treatment in any manner related to services, aid or other benefits, and will provide a plan for those with Limited English Proficiency (LEP);
- Will not limit any person in any way in the use of services, facilities, or any other advantages, privileges, or benefits provided to others under any program;
- Will not treat any person differently from others in deciding whether you meet requirements to receive aid, care, service or other benefit;
- Will not deny any person or offer an opportunity different from that offered others in any program or service;
- Will not adopt methods that limit participation by any group of recipients or subject them to discrimination; and
- Will not refer any person to agencies that do not obey civil rights law.

All agencies receiving financial assistance must sign a statement of compliance with Title VI of the Civil Rights Act of 1964.

Montgomery County Government will make available any compliance report to be reviewed by the applicable State or Federal agency upon request.



## TITLE VI COMPLAINT PROCEDURE

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by Montgomery County Government or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complaint.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meetings between the affected parties and the Title VI Coordinator may be utilized for resolution at any stage of the process.

### PROCEDURES

1. Any individual, group of individuals, or entity that believes that they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the Montgomery County Government Title VI Coordinator. A formal complaint must be filed within **180 calendar days of the alleged occurrence or when 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 the conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including the names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax or email will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal to Montgomery County Government's Title VI Coordinator to be able to process it. **Note: A complaint form will be forwarded to the complainant(s) for them to complete, sign, and return to the Title VI Coordinator.**
  - e. The complainant may file a complaint within the County and file a complaint externally at the same time. If this occurs, the external complaint supersedes the internal complaint filing. Accordingly, the County's complain procedures will be suspended, pending the outcome of the external complaint.

- f. If the complainant is not satisfied with the findings or the proposed remedial action of the County, the complainant may still file externally within any applicable statute of limitations.
2. Upon receipt of the signed complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. Complaints against Montgomery County Government will be referred to the appropriate State and Federal agency for proper disposition pursuant to their procedures.
3. In order to be accepted, a complaint must follow the following criteria:
  - a. Complaints must be filed within **180 calendar days** of the alleged occurrence(s) or when the alleged discrimination became known to the complainant.
  - b. The complaint(s) must involve a covered basis such as race, color, or national origin.
  - c. The complaint(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor.
4. A complaint may be dismissed for the following reasons:
  - a. The complaint does not meet the aforementioned criteria for acceptance.
  - b. The complainant requests the withdrawal of the complaint.
  - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - d. The complainant cannot be contacted or located after reasonable attempts.
5. If a complaint is dismissed at this stage by the Title VI Coordinator, the Title VI Coordinator will inform the complainant, the respondent, the County Mayor, and any appropriate State or Federal agency of the complaint's dismissal and the reason why this decision was made.
6. If Montgomery County Government accepts the complaint for investigation, the complainant and the respondent will be notified in writing of such determination. The complaint will receive a case number and will then be logged into Montgomery County Government records identifying its basis and alleged harm.
7. In cases where Montgomery County Government assumes the investigation of the complaint, Montgomery County Government 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 Montgomery County Government's written notification of acceptance of the complaint to furnish their response to the allegation.
8. Montgomery County Government's final investigative report will be forwarded to the appropriate State and Federal Agency for review within sixty (60) calendar days of the acceptance of the complaint. Affected parties will be notified of the results following review by the appropriate State or Federal Agency.
9. If the complainant is not satisfied with the results of the investigation, the complainant has the right to appeal to the appropriate State or Federal Agency and/or to Montgomery County. The complainant must notify the Title VI Coordinator or designated Title VI contact of their desire to appeal the ruling, pursuant to any applicable appeal procedure. For Montgomery County, appeals must be submitted to the County's Title VI Coordinator, in writing, within fourteen (14) calendar days of receipt of the written, final report.
10. If found to be non-compliant, Montgomery County Government will follow all guidance from the applicable State or Federal Agency for corrective action.



## **Alternative Courses of Action**

### **Available alternatives:**

- A. Court enforcement compliance with the nondiscrimination mandate of Title VI.
- B. Administrative action-effective alternative courses not involving litigation.

### **Ultimate Sanctions**

The ultimate sanctions under Title VI are the refusal to grant an application for assistance and the termination of assistance being rendered. Before these sanctions may be invoked, the Act requires completion of the procedures called for.

### **Informal Resolution**

Title VI regulations call for Montgomery County Government to pursue informal resolution of administrative complaints wherever practicable. Therefore, Montgomery County Government will discuss, at any point during the process outlined above, offers by respondents to reach informal resolution with affected stakeholders. Additionally, in notifying a respondent of acceptance of a complaint for investigation, Montgomery County Government will encourage the respondent to engage the complainant(s) in informal resolution in an effort to negotiate a settlement.



## **Appeals Procedure**

- A. The complainant has the right to appeal all final, written reports to the Title VI Committee.
- B. This appeal must be made in writing to the Title VI Coordinator within fourteen (14) calendar days of receipt of a final, written report.
- C. The appeal must specifically cite the portions of the finding with which the complainant disagrees and his/her reasons for disagreement.
- D. The Title VI Coordinator will forward this appeal request within seven (7) calendar days of receipt to the Title VI Committee for review.
- E. The Committee's review of the findings will be based on the entire record.
- F. The Committee must complete the appeal review within thirty (30) calendar days after receipt of the appeal from the Title VI Coordinator.
- G. The Committee will forward their written findings to the complainant, the respondent, the County Mayor, and any State or Federal Agency that has jurisdiction.



## **Title VI Retaliation Policy**

It is illegal for Montgomery County Government to "retaliate" against service recipients because they filed a charge of discrimination or because they complained to another entity about program services discrimination, or because they participated in a discrimination proceeding (such as an investigation or lawsuit).

Further, it is illegal for Montgomery County Government to refuse to provide program services because a service recipient filed a charge of discrimination with an entity, such as this agency, a related State department, or the Federal Office of Civil Rights, even if later it was determined that no discrimination occurred.

Should a service recipient feel that they are being retaliated, they have the right to submit a complaint to an entity that they feel most comfortable with for review and resolution.

State and Federal Contact Information:

Tennessee Dept. of Human Resources - Office of Strategic Support - Legal Compliance Division  
312 Rosa L Parks Ave, 17th Floor Nashville, TN 37243  
(615)741-4841

U.S. Dept. of Health and Human Services - Office for Civil Rights, SE Region Sam Nunn Atlanta Center, Suite 16T70  
61 Forsyth St., S.W., Atlanta, GA 30303-8909 Customer Response Center: (800) 368-1019  
Fax: (202) 619-3818  
TDD: (800) 537-7697