

**CITY OF KINGSPORT
PERSONNEL POLICIES**

Section No: 4

Effective Date: September 18, 2007

Subject: Title VI

Resolution No: 2008-052

POLICY

It is the policy of the City of Kingsport to ensure compliance with Title VI of the Civil Rights Act of 1964, as amended; 42 USC 2000(d); related statutes and regulations to the end that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The city strictly forbids and will not tolerate actions that intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy.

The Human Resource Director is the designated Title VI Coordinator for the city. For questions, concerns, complaints, or requests for additional information regarding the city's Title VI policy contact:

Human Resource Director
City Hall Building
415 Broad Street
Kingsport, Tennessee 37660
(423) 229-9401

APPLICABILITY

This policy applies to any city program or activity, any part of which receives Federal financial assistance. For the purpose of this section the term “program or activity” and the term “program” mean all the operations of:

- a department, agency, special purpose district, or other instrumentality of the city; or
- the entity of the city that distributes such assistance and each such department or agency (and each other entity) to which the assistance is extended, in the case of assistance to the city; or
- entities formed by the combination of, but not limited to, a city – private effort or a wholly city - government effort;

any part of which is extended Federal financial assistance.

All contractors, subcontractors, and/or vendors who receive payment from the city where funding originates from any Federal financial assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964.

COMPLAINT PROCEDURE

All complaints alleging discrimination prohibited by Title VI against any city program or activity should be filed with the Title VI Coordinator, or designee, within 180 days of the date of the alleged discrimination.

The complaint should include at least the following:

- a signed, dated, written explanation of what has happened;
- a way to contact the complainant (name, address, and phone number along with the name, address, and phone number of a contact person);
- the basis of the complaint (race, color, or natural origin) must be stated;
- the respondent – identification of the program or activity alleged to have discriminated;

- names, addresses, and phone numbers of other persons who may have knowledge of the alleged discrimination; and
- sufficient information to understand the facts that led the complainant to believe that discrimination has occurred and when the discrimination took place.

The Title VI Complaint Form, available from the office of the Title VI Coordinator, may be used to submit the complaint information, but its use is not required. The complainant individually or through his/her authorized representative may complete the form. If the complaint form is not used, the Title VI Coordinator, or designee, may request that the complainant, or his/her authorized representative, provide any additional details that may be included on the complaint form to ensure information needs are satisfied. All complaints must be signed and dated.

Appropriate assistance will be provided to complainants, including persons with disabilities and individuals who speak a language other than English, who may need help in providing the necessary information.

When a complaint is received the Title VI Coordinator, or designee, will assign a case number and construct a case file. A letter acknowledging receipt of the complaint will be mailed to the complainant within 15 days of receipt of the complaint by the Title VI Coordinator.

The Title VI Coordinator, or designee, will maintain a log of Title VI complaints received. The log will include the following: the race, color, or national origin of the complainant, the identity of the recipient program or activity, the nature of the complaint, the date the complaint was filed, the investigation completed, the date and nature of the disposition, and other pertinent information.

The Title VI Coordinator, or designee, will conduct an investigation of the allegations of the complaint. Investigations will be conducted in a prompt, thorough, and impartial manner. When a detailed fact-finding investigation is necessary, the Title VI Coordinator, or designee, should, at a minimum, interview the complainant individually or through his/her authorized representative, other persons with personal knowledge of

the allegation, and city entities affected. TDOT will be notified and investigations will be conducted in accordance with the U.S. Department of Justice (DOJ) *Investigation Procedures Manual for the Investigation of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes* in conjunction with the DOJ's *Title VI Legal Manual*. If, during the course of the investigation, it is determined that the city does not have jurisdiction over the complaint a good faith effort will be made to refer the complaint to the appropriate agency that can handle the case. (updated 9/11/2012)

Upon completion of the investigation, the Title VI Coordinator, or designee, will determine whether the allegation of discrimination is substantiated or not substantiated based upon the investigation. A letter of finding, including corrective action to be taken if any, will be issued to all parties.

CONFIDENTIALITY

To the extent possible, the city will protect the confidentiality of each party involved in any Title VI discrimination complaint or charge provided that it does not interfere with the city's ability to investigate the allegations or to take corrective action. However, the city cannot guarantee or assure complete confidentiality. Any record so defined by the Tennessee Public Record Act is a public record unless exempted by federal or state law. Therefore, the city may not be able to maintain the confidentiality of investigative records.

OTHER PROVISIONS

In the event that a complaint alleging discrimination in violation of Title Vi is filed with the city and an external entity simultaneously, the external complaint will supersede the city complaint and the city's complaint procedures will be suspended pending the external findings.

These procedures do not prohibit an individual's right to consult with, seek assistance from, and/or file a complaint concerning alleged discrimination prohibited by Title VI with other Federal agencies having authority to enforce nondiscrimination requirements; with

State or local agencies having such authority; with a Federal or State Court, or to exercise any other applicable constitutional rights.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees, applicants for employment, or non-employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes **ONLY** the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.