



Title VI Complaint Process & Procedures

For clarity and consistency, the following Title VI Complaint Process & Procedures are adapted from those used by NCDOT. These procedures are encouraged, but they are not a prerequisite to filing a timely Title VI complaint with the applicable state or federal agency having jurisdiction over the complaint.

Eligibility

Any person or class of persons who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program, services, or activity administered or funded by the Town of Carrboro on the basis of race, color, national origin, limited English proficiency, sex, gender identity or expression, sexual orientation, age, disability, familial status, pregnancy, income level, National Guard or veteran status, or religion, have the right to file a complaint with the Town of Carrboro Title VI Coordinator. The law also prohibits intimidation or retaliation against anyone who files a complaint.

Applicability

These complaint procedures apply *solely* to programs, services, and activities administered or funded by the Town of Carrboro. This includes matters of discrimination involving Town of Carrboro staff and subrecipients/contractors. Discrimination cases involving non-governmental institutions (e.g., restaurants, private businesses, etc.) or disputes between community members fall outside the scope of Title VI and the Town of Carrboro's jurisdiction.

These complaint procedures also apply *solely* to community members outside the organization. Town of Carrboro employees who feel they have been discriminated against at work should refer to the grievance procedures as described in Chapter 4, Article 10 of the Town of Carrboro Code or contact the Equal Employment Opportunity Commission. Internal Equal Employment Opportunity complaints are not covered by this Title VI process.

Filing Options and Time Limits

Complaints may be filed by the affected individual(s) or a representative and should be filed no later than 180 calendar days after the following:

- The date of the alleged act of discrimination,
- The date when the person(s) became aware of the alleged discrimination, or
- Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI and related discrimination complaints may be submitted to any of the entities listed below in Table 1. The Town of Carrboro encourages resolving complaints at the lowest possible level. Even if a complaint is filed with the Town of Carrboro Title VI Coordinator, complaints filed with these other agencies must also meet their time limits for filing (e.g., 180 days for the US Department of Justice).

Table 1 – Title VI Contact Information

Agency	Contact Information
Town of Carrboro	Title VI Coordinator 301 W. Main Street Carrboro, NC 27510 Phone: 919-918-7327 Email: titlevi@carrboronc.gov
North Carolina Department of Transportation	Office of Civil Rights 1511 Mail Service Center Raleigh, NC 27699-1511 Phone: 984-236-1211
US Department of Transportation	Departmental Office of Civil Rights 1200 New Jersey Ave, S.E. Washington, DC 20590 Phone: 202-366-4648
Federal Highway Administration	Office of Civil Rights 1200 New Jersey Avenue, S.E. Washington, DC 20690 Phone: 202-366-4000
Federal Highway Administration	North Carolina Division 310 New Bern Avenue, Suite 410 Raleigh, NC 27601 Phone: 919-747-7010
Federal Transit Administration	Office of Civil Rights 1200 New Jersey Avenue, S.E. Washington, DC 20590 Phone: 888-446-4511
Federal Motor Carrier Safety Administration	Civil Rights – Information Line 1200 new Jersey Avenue, S.E. Washington, DC 20590 Phone: 800-832-5660
Federal Aviation Administration	Office of Civil Rights 800 Independence Avenue, S.W. Washington, DC 20591 Phone: 202-267-3258
US Department of Justice	Civil Rights Division 950 Pennsylvania Division, N.W. Office of the Assistant AG, Main Washington, DC 20530 Phone: 202-514-3847

Format for Complaints

Title VI complaints may be filed with the Town of Carrboro Title VI coordinator via mail, email, telephone, or hand delivery. Complainants are encouraged to complete and sign the Town of Carrboro Title VI Complaint Form and Town of Carrboro Title VI Complainant Consent/Release Form. Electronic

copies of these forms are available on the Town website for download and physical copies can be collected at Carrboro Town Hall.

Complaints submitted directly to Town of Carrboro departments will be forwarded to the Title VI Coordinator for intake. Allegations received by telephone will be produced in writing on a complaint form and provided to the complainant for confirmation or revision, and signature or acknowledgement before processing. Allegations sent by email will not be processed until the identity of the complainant and the intent to proceed with the complaint have been established. An emailed complaint must be signed or acknowledged before processing.

Complaint Basis

Allegations must involve issues of discrimination in programs, services, or activities administered or funded by the Town of Carrboro on the basis of race, color, national origin, limited English proficiency, sex, gender identity or expression, sexual orientation, age, disability, familial status, pregnancy, income level, National Guard or veteran status, or religion, as provided by Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination authorities. Table 2 is provided to offer how the federal government defines these protected classes and their pertinent statutes.

Table 2 – Legal Basis for Complaints

Protected Categories	Definition	Federal Nondiscrimination Authorities	
		FHWA	FTA
Race	A person belonging to a racial group; or the perception, based on physical characteristics (e.g., skin color, facial features, and hair texture) that a person is a member of a racial group	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group		
National Origin	Place of birth. Citizenship is not a factor.		
Limited English Proficiency	Discrimination based on language or person's accent.	Executive Order 13166	
Income level	A person or household determined to be low-income.	Executive Order 12898	
Sex	The sex of an individual. Note: Under these statutes and regulations, sex does not include sexual orientation or gender identity/expression.	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Sexual Orientation*	A person's identity in relation to the gender(s) to which they are sexually attracted	Title VII of the Civil Rights Act of 1964 (see <i>Bostock v. Clayton County, GA</i>); Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)	
Gender Identity or Expression*	One's self-identification and/or expression		

Familial Status*	The presence of at least one person under 18 years old in the household, including pregnant persons and those securing legal custody of a child	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act)
Pregnancy*	A person who is experiencing a current pregnancy, past pregnancy, potential pregnancy, medical conditions related to pregnancy or childbirth	Title VII of the Civil Rights Act of 1964; Pregnancy Discrimination Act of 1978
National Guard or Veteran Status*	A person who has served in the military, naval, or air service	Uniformed Services Employment and Reemployment Rights Act of 1994; Vietnam Era Veterans' Readjustment Assistance Act of 1974
Age	A person of any age	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, real or perceived	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Religion*	Creed. A person belonging to a religious group; or the perception, based usually on distinguishable characteristics that a person is a member of a religious group	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332

**Note: Protections for federal protected categories including familial status, gender identity or expression, National Guard or veteran status, pregnancy, sexual orientation, and religion, are limited to discrimination cases involving employment, fair housing, or specific transportation programs under Title VI. Discrimination protections under Title VII of the Civil Rights Act of 1964 focus on employment issues. As these Title VI complaint procedures are intended for community members outside the organization, complaints from the public about employment discrimination should be directed to the Equal Employment Opportunity Commission (EEOC) or related federal agency.*

Complaint Receipt and Response

The Title VI Coordinator will provide written acknowledgement via registered mail of a complaint within ten calendar days.

The Title VI Coordinator will review the complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.

- If the complaint is complete and no additional information is needed, the Title VI Coordinator will send the complainant a letter of acceptance as well as a Title VI Complainant Consent/Release Form if not submitted along with the complaint.
- If the complaint is incomplete, the complainant will be contacted in writing to obtain the needed information. Failure to respond and/or provide the requested information within 15 calendar days may be considered good cause for a determination of no investigative merit.

Within fifteen calendar days of receiving the complaint, the Title VI Coordinator will determine the Town's jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five days of this decision, the Title VI Coordinator will notify the complainant and

the respondent (the person(s) against whom the complainant has filed the complaint) via registered mail, starting the decision.

- If the decision is not to investigate the complaint, the notification shall specifically state the reasons for the decision.
- If the decision is to investigate the complaint, the notification shall state the grounds of the Town's jurisdiction and require the complainant's full cooperation in assisting the investigator.
- Interviews may be recorded during the investigation. Consent to record may be required if the interviewee is located outside of North Carolina.

The Title VI Coordinator will attempt to resolve all discrimination complaints within 60 days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected party and respondent may be utilized for resolution.

Appealing a Title VI Decision

If a complainant or affected party is not satisfied with the results of the investigation or the resolution of the complaint, the complainant or affected party may appeal the decision to the Carrboro Town Manager. The Title VI Coordinator's decision will be upheld unless the Town Manager finds that it constitutes an abuse of discretion.

Following the appeal decision, the Town Manager shall inform the complainant or affected party of the right to file a complaint directly with the US Department of Justice (or other agency) by filling out their compliant form or calling the Title VI Hotline at 1-888-TITLE-06. The appeal must be filed by the 180-day deadline established by the US Department of Justice.