



Title VI & ADA Complaint Procedure

Introduction

The Port of Port Townsend (Port) has established this ‘Complaint of Discrimination’ Procedure as a mechanism for the review and resolution of allegations of discrimination. **These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA)** which prohibit discrimination based on race, color, national origin, and disability in any program or activity administered by the Port of Port Townsend or its tenants, sub-recipients, consultants, and/or contractors. Retaliation or intimidation of any kind is also prohibited by law.

These procedures do not negate or limit the right of the complainant to file formal complaints with other state or federal agencies. These procedures are part of an administrative process that does not provide for remedies such as compensatory damages for the complainant.

The Port of Port Townsend serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. The Port Administration building is located in Port Townsend at 2701 Jefferson St in the Boat Haven Marina and Boatyard. The Port is responsible for conducting counseling and investigations of alleged incidents of discrimination. The complainant, the individual making a complaint, is advised of his/her/their rights under Washington State and Federal laws and is given a copy of this procedure.

Complaint Basis

Allegations must be based on protected group status, specifically issues involving race, color, national origin, or disability. A Protected Group is a group of people with common characteristics who are legally protected from discrimination based on that or those characteristic(s).

Protected Group categories and definitions relevant to this procedure:

Category	Definition	Example
<i>Race</i>	The perception based on physical characteristics that a person is a member of a racial group.	Black, White, Native American/Indian.
<i>Color</i>	The color and/or shade of skin within a racial group.	Black, white, dark or light brown, etc.
<i>National Origin</i>	A group of people who share a common language, culture, ancestry, and/or other social characteristics. Includes discrimination based on heritage or country of original citizenship. Also includes discrimination based on language or accent.	Cuban, Vietnamese, Mexican.

<i>Disability</i>	A disability is an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.	An individual with visual impairment, or who uses a mobility device like a wheelchair.
-------------------	--	--

Complaint Process

Any individual or group of individuals who believe that he/she or they have been subjected to discrimination prohibited by Title VI and ADA nondiscrimination procedures based on race, color, or national origin (including Limited English Proficiency) or disability may file a written complaint to the Port of Port Townsend. 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 in that it must:

- Be made in writing or submitted electronically to the Title VI/ADA Coordinator for the Port of Port Townsend;
- Be submitted on the ‘Title VI and ADA Discrimination Complaint Form’ and signed by the complainant(s);
- Include the full name(s) and address(es) of the complainant(s);
- Include the date(s) of the alleged act(s) of discrimination;
- Include the full name(s), job title(s), and work address(es) of the accused party(ies), if known;
- Include a detailed description of the alleged act(s) of discrimination (specify all issues and circumstances of the alleged discrimination);
- Identify the basis of the complaint (i.e., race, color, national origin, LEP, disability); and
- Include the name(s), address(es) and telephone number(s) of any person who may have knowledge of the alleged incident.

For complaints to be accepted, they must be filed within 180 days of the alleged act of discrimination; meet the above procedures for filing; and allegations must be based on issues pertaining to race, color, or national origin (including Limited English Proficiency).

A complaint may be dismissed if the complainant requests the withdrawal of the complaint; the complainant does not respond to requests for information on or before the date indicated in the request; or the complaint is not timely filed.

In cases where a complainant cannot provide a written complaint, assistance will be provided by the Title VI/ADA Coordinator. However, all complaints must be signed by the complainant or its legal designee. A signature provided by a legal designee must be accompanied by written permission from the complainant.

Complaint Investigation

Following the receipt and review of the complaint, the Executive Director or a designee will issue a letter acknowledging receipt of the complaint.

1. The accused party(ies) will be notified that a complaint has been filed against him/her/them **within ten (10) business days of accepting the complaint**. When applicable, the accused party(ies) is/are advised of his/her/their right to representation by the union or any other appropriate representative of his/her/their choice.
2. Barring extenuating circumstances outside of the investigator's control, the investigator will conduct a fact-finding investigation and provide a resolution, if one is possible, **within ninety (90) business days of receipt of the complaint** and notify all involved parties in writing whether there was a violation of Title VI or ADA. This will include notification to the complainant of his/her/their right to appeal the results to the Port.
3. All investigation findings will be reported to the Port's Executive Director or his/her/their designee.
4. Should the complainant elect to appeal the decision, he/she/they must do so in writing to the Title VI/ADA Coordinator **within ten (10) business days after receipt of the complaint resolution** proposed by the Executive Director or investigator designee. Failure to appeal within this period shall be interpreted as acceptance of this resolution.
5. The Executive Director or his/her/their designee will review the case to determine what, if any additional information is needed. If additional information is required from the appellant, he/she/they will be provided reasonable advance notice of a meeting and will be advised of his/her/their right to present relevant information at that time.
6. The Executive Director or his/her/their designee will render a written decision regarding the appeal, **no later than thirty (30) business days from the date of the filing of the appeal** which will be sent to the appellant. Should this decision differ from the findings of the investigation, it will also be sent to all parties involved. The decision of the Executive Director or his/her/their designee is final. However, this does not preclude the complainant from pursuing other means of resolution under Washington State or Federal laws.
7. All records of complaints and dispositions thereof shall be maintained and regularly reviewed by the Title VI/ADA Coordinator, who will pay particular attention to the detection of any patterns in the nature of the complaints. All such records shall be retained on a strictly confidential bases, except where disclosure is required by law.