

**CITY OF BANGOR, MICHIGAN
POLICY AND PROCEDURE MANUAL
FOR COMPLIANCE WITH**

“TITLE VI OF THE CIVIL RIGHTS ACT OF 1964”

I. INTRODUCTION

- A. PURPOSE:** The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs which receive federal funds from discriminating against participants or clients on the basis of race, color or national origin. The intent of the law is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs.

To ensure that the City of Bangor meets its compliance responsibility, the following procedures have been established by Administrative Directive of the City Manager to provide for the monitoring of Title VI compliance activities and complaint processing in all operations and programs which receive federal funding either in whole or in part.

- B. CITY OF BANGOR FUNCTIONS AND ORGANIZATION:** The City of Bangor is committed to providing the highest quality of services to all residents of the City of Bangor. Bangor is a “Home Rule” city with a Council-Manager form of government. The Mayor and six-member Council are elected at large and appoint a City Manager to operate the City on a day-to-day basis. Reporting directly to the City Manager are the departments of Assessing, Building and Code Enforcement, Clerk, Treasurer, Public Works, and Police.
- C. SCOPE:** This policy applies to (i) all City of Bangor functions, facilities, operations, programs and projects (hereinafter referred to as “**Services**”) that receive federal funds and (ii) all Services provided by sub-recipients that receive federal financial assistance through the City of Bangor.
- D. ASSURANCES:** The City of Bangor agrees that as a condition of receiving any federal financial assistance from the United States Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, and all requirements imposed by or pursuant to Title 49, Code of Federal regulations, Department of Transportation Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the City of Bangor received federal financial assistance. Further, the City of Bangor assures that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a) (1) of the regulations mentioned above. This assurance is given in consideration of and for the purpose of

obtaining, any and all federal grants, loans, contracts, discounts or other federal financial assistance extended after the date hereof the City of Bangor by the Department of Transportation under Federal Highway or Transit Program, and is binding on it, and other recipients, sub-grantees, contractors, transferees, successors in interest, and other participants in the Federal Aid Highway or Transit Program.

II. TITLE VI POLICY AND PROCEDURES

A. POLICY: City of Bangor reaffirms its policy to afford all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

No person in the United States shall, on the grounds of race, color, or 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 subjected to discrimination under any program or activity receiving Federal financial assistance. The City of Bangor assures every effort will be made to ensure nondiscrimination in all of its committee's, programs and activities, regardless of the funding source. The City of Bangor will include Title VI language in all written agreements and bid notices and will monitor compliance. The City Manager of the City of Bangor will be responsible for initiating and monitoring Title VI activities, and all other responsibilities as herein required.

In applying this policy, the City of Bangor and its sub-recipients of federal funds will not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;

8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide service or information in a language other than English when significant numbers of potential or actual beneficiaries are of limited English speaking ability;
10. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment;
11. Locate a facility in any way which would limit or impede access to a federally-funded service or benefit.

B. PROCEDURES: The responsibility for complying with the provisions of Title VI of the Civil Rights Act of 1964 is vested in the City Manager, who is accountable for the administration of the City of Bangor and its departments. The City Manager has the responsibility of ensuring that all departments comply with the Plan. The Bangor City Attorney will provide advice and legal assistance regarding compliance efforts.

1. The responsibility for coordinating Title VI for compliance within individual departments is assigned to and divided among the various departments. Each Department Head will serve as the respective Title VI Departmental Coordinator. This Departmental Coordinator will be responsible for administering the compliance procedure and Title VI complaint process as outlined in this Plan.

a. Departmental Reporting

- i. Each Departmental Coordinator will:
 - Collect, analyze and report the statistical data (race, color and national origin) of participants in and beneficiaries of federal financially-assisted services provided through each respective department; such statistical data should be cross-tabulated by race and ethnic origin on such variables as (1) the number of program participants, (2) the size of the population to whom the program is directed, and where appropriate, (3) the number of applicants. The analysis will be used to:
 - determine how effectively programs are reaching eligible groups;
 - assist in the selection of locations for compliance reviews;
 - identify areas for additional outreach efforts; and
 - provide status reports to measure progress of program delivery.
 - Prepare a Title VI Self-Survey; and

- Prepare an annual compliance report based upon the department's compliance efforts.
- ii. The reports will be delivered to the City Manager's Office no later than January 1st of each year. Completion of the report will be initiated solely by the respective City departments.

b. Sub-recipient Reporting

- i. The Departmental Coordinator will be responsible for ensuring that City sub-recipients are in compliance with Title VI of the Civil Rights Act of 1964.
 - ii. Sub-recipients are expected to collect, analyze and report the statistical data (race, color and national origin) of participants in and beneficiaries of federal financially-assisted services provided through each such sub-recipient to the respective Departmental Coordinator. Departmental Coordinators will require sub-recipients to provide them with Self-Surveys and annual compliance reports. Departmental Coordinators will conduct post-award on-site reviews, if necessary.
 - iii. Any sub-recipient found to be in violation of the provisions of Title VI will be given a written notice of such violation and an opportunity to comply. Failure to eliminate further discrimination within thirty (30) days of receipt of notice will be considered a violation of the terms of the contract and a basis for contract suspension, termination, or rejection. Federal funds may be terminated or withheld as a punitive sanction for non-compliance.
2. The City Manager will conduct annual reviews of the compliance reports submitted by the departments and the sub-recipients to ensure that the departments and the sub-recipients have received orientation and/or sufficient information to function in their responsibility; have received all materials required for administering the Title VI program, i.e., procedural manuals, posters, and pamphlets; and have on file a current Self-Survey indicating the status of their Title VI compliance.

The City Manager will review each Self-Survey submitted by the departments and the sub-recipients; if problems in compliance exist, they will be discussed with the respective department. If serious problems in compliance are noted, the department head will have (15) fifteen days to respond. Procedures for correction of non-compliance issues will be developed by the department head and forwarded to the City Manager.

The City Manager will compile a comprehensive annual Title VI Compliance Report based upon the annual compliance reports submitted by the departments and the sub-recipients no later than July 1st of each year. A copy will also be maintained on permanent file by the City Clerk and will be available for audit where appropriate.

If a City employee is found guilty of any discriminatory practice based on Title VI provisions, the City Manager will then decide on the appropriate discipline of that employee, which will be in accordance with established City disciplinary procedures.

- C. PUBLIC AWARENESS AND NOTIFICATIONS:** Pamphlets and posters designed to inform City employees, clients and prospective clients of their obligations and rights under Title VI and of the availability of services will be distributed periodically to all departments. The departments are responsible for making these pamphlets available to each participant, client and sub-recipient and for displaying the Title VI posters.
- D. CIVIL RIGHTS TRAINING:** City employees and sub-recipients will also receive some orientation regarding the obligations and rights involved in the Title VI program. In-service training programs for all employees will be conducted as may be appropriate.
- E. COMPLIANCE IN PROCUREMENT PROCEDURES:** The City will require an assurance of compliance with the Civil Rights Act of 1964 from every sub-recipient or contractor before entering into any contract, which federally funded programs.
- F. COMPLAINT PROCEDURES:** A complaint alleging discrimination against the City of Bangor may be filed with the City Manager.
1. The City Manager will review the nature of the complaint and the project to which it is related and will notify all external governmental agencies with an interest in either the nature of the complaint or the project to which it is related. Additionally, the City Manager will notify any external governmental agency that has expressed a desire to be notified of all complaints alleging discrimination without regard to the nature of the complaint or the project to which it is related.
 2. The City Manager has the primary responsibility for receiving, acknowledging, and investigating complaints and for reporting the findings unless an affected external government agency, upon being notified of a formal Title VI complaint, chooses to initiate and conduct an investigation itself. Complaints must be filed in writing, preferably on the Complaint of Discrimination Form, and immediately sent to the City Manager. The form can be filled out by the complainant or by his/her representative. Departmental Coordinators shall receive a copy of any complaints filed.
 3. Unless a complaint is being filed externally, all complaints should first be filed with the City Manager. The City Manager will immediately notify the Departmental Coordinator. The City Manager's investigative efforts regarding any complaints will be conducted in cooperation with the Departmental Coordinator whose Department is the subject of the complaint. The City Manager, in cooperation with the respective Departmental Coordinator and in consultation the City Attorney, has broad latitude to review a complaint and make a finding. Procedures can include, but are not limited to, discussing the complaint with the complainant, the alleged

offender, and the initial reviewer, to determine the facts. The City Manager will conduct and complete such fact-finding within a thirty (30) day time frame. The City Manager and the complainant may mutually agree, in writing, to allow for additional time to determine the facts as may be needed. Once the investigation is completed, the City Manager will prepare a written report of findings. If the report concludes that there was a violation of Title VI, the Department Head's and/or sub-recipient's proposed corrective action shall be included in the report.

4. The City Manager will maintain a Title VI complaint log to show identifying information, type, and status of each complaint filed. When any investigation is concluded, the City Manager will keep a copy of the report on permanent file. Within five (5) consecutive workdays after the completion of this report, the written findings will be communicated to the complaint. The complainant may choose to appeal the charges externally, if she/he has not done so already.
5. To allow time to file sequentially with the City and then externally with an appropriate outside agency or court, as the complainant chooses, the complaint within the City system shall be filed no later than thirty (30) calendar days after the alleged discrimination occurred. If the complainant is unsatisfied with the findings or the proposed remedial action, the complainant may still file externally within any applicable statutes of limitations.
6. If a complaint is filed within the City, and it is filed externally during the same time, the external complaint supersedes the internal complaint filing; accordingly the City's complaint procedures will be suspended pending outcome of the external complaint.

**CITY OF BANGOR
TITLE VI
DISCRIMINATION COMPLAINT FORM**

In order for us to properly assist you in processing your complaint, the following information is needed:

1. Complainant's Name:

Address: _____

City, State, Zip Code: _____

Telephone Number (home): _____

(business): _____

2. Person discriminated against (if someone other than complainant):

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number (home): _____

3. What is the name and location of City Department or agency that you believe discriminated against you?

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

4. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

a. Race/Color (specify) _____

b. National Origin (specify) _____

5. What date did the alleged discrimination take place?

6. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible.

Do you have any witnesses to verify your allegations?

YES _____ NO _____

If **YES**,

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

7. Have you tried to resolve this complaint through the internal grievance procedure at the accused department or agency?

YES _____ NO _____

If **YES**, what is the status of the grievance?

Name and title of the person handling the grievance procedure.

Name: _____

Title: _____

Telephone Number: _____

8. Have you filed this complaint with any other federal, state or local agency; or with any federal or state court?

YES _____ NO _____

If **YES**, check all that apply:

Federal Agency _____ State Court _____ State Agency _____
Federal Court _____ Local Agency _____

Please provide information about a contact person at the agency/court (where the complaint was filed)

Name: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____

9. Do you intend to file this complaint with another agency?

YES _____ NO _____

If **YES**, when and where do you plan to file the complaint?

Date: _____
Agency: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____

10. Has this complaint been filed with this agency before?

YES _____ NO _____

If **YES**, when? Date _____

11. Have you filed any other complaints with this agency?

YES _____ NO _____

If YES, when and against whom were they filed?

Date: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Give a brief description of the other complaint.

What is the status of the other complaint?

12. Are you represented by an attorney with regard to anything related to this matter?

YES _____ NO _____

If YES, please fill in the following:

Attorney's Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

13. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant Signature

Date