

City of San Leandro
Title VI of Civil Rights Act of 1964
Complaint Procedures (How to File a Complaint)

As a recipient of federal dollars, the City of San Leandro is required to comply with the Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. The City of San Leandro has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 47021A dated May 13, 2007.

Any person who believes that he or she, individually or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the City of San Leandro, the Metropolitan Transportation Commission (MTC), or the Federal Transit Administration (FTA). Further, the City of San Leandro prohibits intimidation, coercion or engagement in other discriminatory conduct against anyone because he or she has filed a complaint to secure rights protected by Title VI.

A signed complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of Transportation. The City of San Leandro encourages complaints to be initially filed with the City of San Leandro and/or the MTC for resolution. In those cases where the complainant is dissatisfied with the resolution by the City of San Leandro and/or the MTC, the same complaint may be submitted to the FTA for investigation. Unless otherwise permitted, the final determination of all the Title VI complaints affecting programs administered by the FTA will be made by the Office of the Secretary, Department of Transportation (DOT).

Complainants may submit signed written complaints to the City of San Leandro and or MTC directly or the FTA offices identified below.

Language Assist Coordinator
City Manager's Office
835 East 14th Street, Room 211 (second floor of City Hall)
San Leandro, California 94577
Facsimile: (510) 577-3340
E-mail: LanguageAssist@sanleandro.org

Metropolitan Transportation Commission (MTC)
Ms. Denise Rodrigues, Contract Compliance Officer
101 Eighth Street
Oakland, California 94607
Phone: (510) 817-5897

Federal Transit Administration
FTA Office of Civil Rights,
East Building, Fifth Floor - TCR
1200 New Jersey Avenue SE
Washington, DC 20590

In cases where the complainant is unable or incapable of providing a written statement but wishes the City of San Leandro, MTC, or FTA to investigate alleged discrimination, a verbal complaint of discrimination may be made. The complainant will be interviewed by the appropriate official authorized to receive complaints. If necessary, the official will assist the complainant in converting the verbal complaint to writing. Translation services will be provided to all complainants, as necessary. All complaints must however, be signed by the complainant or his/her representative.

Information for filing a Title VI complaint can be accessed on the City of San Leandro website at: <http://www.sanleandro.org/howdoi/request/lassist.asp> or by contacting Language Assist Coordinator at (510) 577-3351.

Complaint Format

All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination. The City of San Leandro will provide the complainant or his/her representative with a written acknowledgement that the City of San Leandro has received the complaint within 10 working days.

The following complaint information will be tracked on the City of San Leandro's Title VI Complaint Tracking Form:

- a. Date the complaint was received by the City of San Leandro
- b. Date an acknowledgment letter was sent to the complainant
- c. Entity (i.e., complainant or his/her representative)
- d. Protected class
- e. Program/Activity/Service
- f. Summary of the allegation
- g. Status of the complaint
- h. Was the complaint investigated? Yes or no
- i. Date response letter was sent to the complainant
- j. Additional action taken

Determination of Investigation Merit

The City of San Leandro will begin an investigation within 15 working days of receipt of a valid complaint. A complaint shall be regarded as meriting investigation unless:

1. It clearly appears on its initial review to be frivolous or trivial.
2. When the time allotted for making the determination of jurisdiction and investigative merit, the party complained against voluntarily concedes noncompliance and agrees to take appropriate remedial action.
3. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or
4. Other good cause for not investigation the complaint exists (e.g., respondent is presently under investigation by another federal agency.)

Request for Additional Information from Complainant and/or Respondent

In the event that the complainant or respondent has not submitted sufficient information to make a determination of jurisdiction or investigative merit, the City of San Leandro may request additional information from either party. This request shall be made within 15 working days of the receipt of the complaint and will require that the party submit the information within 60 working days from the date of the original request. Failure of the complainant to submit additional information within the designated time may be considered good cause for determination of *no investigative merit*. Failure of respondent to submit additional information within the designated time frame may be considered good cause for a determination of *noncompliance*.

Investigative Report

The City of San Leandro will complete an investigation within 90 days of receipt of the complaint. If additional time for the investigation is needed, the complainant will be contacted. A written report will be prepared by the responsible investigator at the conclusion of the investigation. The investigative report will include the following:

1. Summary of the complaint, including a statement of the issues raised by the complainant and the respondent's reply to each of the allegations, citations of relevant Federal, State and Local laws, rules, regulations, and guidelines, etc.
2. Description of the investigation, including a list of the persons contracted by the investigator and summary of the interviews conducted; and a statement of the investigator's findings and recommendations. A closing letter will be provided to the complainant.