

## **Title VI or ADA Complaint Process CITY OF FARMINGTON**

The CITY OF FARMINGTON grants all citizens equal access to all its transportation services. It is further the intent of the CITY OF FARMINGTON, that all citizens are aware of their rights to such access. This policy is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of CITY OF FARMINGTON PROGRAMS AND SERVICES, specifically, as it relates to Title VI of the Civil Rights Act of 1964 or the Americans with Disabilities Act.

- The City of Farmington Red Apple Transit (RAT) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The RAT assures that “No person in the United States 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 Title VI policy is a “non-discrimination” policy as the Federal government will not be able to provide protections beyond Title VI protected classes’ gender, age, and disability.

### What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring that “No person in the United States 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.” Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination. Complaint Process

### What is an ADA Complaint?

Title III of the Americans with Disabilities Act (ADA) prohibits discrimination based on disability in public accommodations. If you feel you or another person have been discriminated against by an entity covered by title III, one of your options is to file a complaint with the federal government.

### How do I file a complaint?

If you believe that you have received discriminatory treatment by the CITY OF FARMINGTON on the basis defined above, you have the right to file a complaint with the CITY OF FARMINGTON’s Human Resources Department Director. The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

### Methods of filing a complaint

The preferred method is to file your complaint in writing using the Title VI Complaint Form and sending it to: Director Human Resources Department 800 Municipal Drive Farmington, NM 87401. Verbal complaints will be accepted and transcribed by the Human Resources Director. To make a verbal complaint, call (505) 599-1132 and ask for the Director of Human Resources. You also have the right to file a complaint with an external entity such as the Department of Transportation (DOT), a federal or state agency, or a federal or state court. Should a complaint be filed with CITY OF FARMINGTON and an external entity simultaneously, the external complaint shall supersede the CITY OF FARMINGTON complaint and the CITY OF FARMINGTON’s complaint procedures will be suspended pending the external entity’s findings.

### Investigations

Within 10 working days of receipt of the formal complaint, the Human Resources Director will notify the complainant and begin an investigation (unless the complaint is filed with an external entity first or simultaneously). The investigation will address complaints against any CITY OF FARMINGTON department(s). The investigation will be conducted in conjunction with and under the advice of the Human Resources Department. The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. The complainant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation. The investigation will be conducted and completed within 60 days of the receipt of the formal complaint. Based upon all the information received, an investigation report will be written by the Human Resources Director for submittal to the City Manager. The complainant will receive a letter stating the final decision of the City Manager by the end of the 60- day time limit. The complainant shall be notified of his/her right to appeal the decision. Appeals may be made to the DOT, the Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).