

Title VI

Discrimination Complaint Procedure Process

COUNTY COUNCIL OF BEAUFORT COUNTY

Post Office Drawer 1228 | Beaufort, South Carolina 29901 | www.beaufortcountysc.gov



ABOUT TITLE VI

Title VI of the 1964 Civil Rights Act, as amended, states that public agencies are required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, religion, or language. The County Council of Beaufort County, South Carolina, hereafter referred to as “Beaufort County” or “the County”, is committed to ensuring full compliance with Title VI and its related statutes. As a recipient of Federal funding assistance, Beaufort County is subject to Title VI compliance conditions associated with the use of funds pursuant to, but not limited to, the following:

- **Title VI of the Civil Rights Act of 1964**, as amended (42 U.S.C. 2000d) - prohibits discrimination on the basis of race, color, and national origin.
- **Executive Order No. 12898**, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations” - requires Federal-aid recipients to administer and implement programs, policies, and activities that affect human health or the environment, so as to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations.
- **Executive Order No. 13166**, “Improving Access to Services for Persons with Limited English Proficiency (LEP)” - requires Federal-aid recipients to take reasonable steps to ensure meaningful access to their services for limited English proficient persons.
- **Federal-Aid Highway Act of 1973** - prohibits discrimination on the basis of sex (gender) in Federal-aid highway programs. (23 U.S.C. 324).
- **Age Discrimination Act of 1975** - prohibits discrimination on the basis of age.
- **The Civil Rights Restoration Act of 1987** - restored broad institution-wide coverage of nondiscrimination statutes to all programs and activities of any Federal-aid recipient.
- **Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination on the basis of a disability.

OVERVIEW

Beaufort County maintains a procedure to receive, review, resolve, and track complaints related to allegations of discrimination under Title VI of the Civil Rights Act. This procedure is referred to as the **“Title VI Discrimination Complaint Procedure Process”**. Any person believing to have been subjected to discrimination prohibited by Title VI of the Civil Rights Act, as amended, may submit a complaint to Beaufort County. This procedure does not in any manner abridge the right of a person to file concurrent complaints with other state or Federal agencies and/or seek private counsel.

The procedure is part of an administrative process by Beaufort County that does not include punitive damages or compensatory payment. Complainants should keep a copy of the complaint for their records and submit the original complaint to the Beaufort County Administrator’s Office. An overview of the procedure is as follows:

- Complaints must be filed within one hundred eighty (180) days of the alleged discrimination or when the alleged discrimination became known to the Complainant.
- Complaints must be in writing, signed by the Complainant (or the Complainant’s legal representative), and include the Complainant’s name, address, and telephone number. Complaints shall explain the details regarding the alleged discrimination and identify the person responsible for the alleged discrimination (Respondent). **The County strongly encourages persons to submit complaints via its “Title VI Discrimination Complaint Form”, which is available at the end of this document.**
- The Beaufort County Legal Department will review the complaint to ensure that it conforms to Title VI standards. If the complaint does not fall within the parameters of Title VI, the complaint will be dismissed and the Complainant will be redirected to the appropriate agency.
- If the complaint conforms to Title VI standards, the Beaufort County Legal Department will notify the Beaufort County Administrator and the South Carolina Department of Transportation (SCDOT), and ensure that the required information is provided, and that the complaint is timely and within the appropriate jurisdiction.
- Once a Title VI complaint has been confirmed, the Beaufort County Legal Department will lead an investigative team, approved by the County Administrator, in conducting a fact-finding investigation. Upon completion of the investigation, the County Administrator’s designee will present the results and any corrective recommendations of the investigation to SCDOT for review and approval.
- Upon final approval of the results and any corrective recommendations, the County Administrator’s designee will notify the Complainant and Respondent of the investigation findings, enter the case data on a log, and maintain a case file of all the complaint and investigation facts.

Complaints, comments, and/or questions should be submitted to:

**Beaufort County Government
c/o County Administrator’s Office
Post Office Drawer 1228
Beaufort, SC 29901-1228
Telephone: 843.255.6055
E-mail: compliance@bcgov.net**

TITLE VI DISCRIMINATION COMPLAINT PROCEDURE PROCESS

1. When any staff/department/representative of Beaufort County receives a complaint which alleges or implies Title VI discrimination by Beaufort County and/or any of its Federal-aid recipients, contractors, or consultants, Beaufort County Administration shall be notified immediately via email at compliance@bcgov.net or by calling 843.255.6055.
2. When in receipt of a complaint, Beaufort County Administration and the SCDOT Office of Business Development and Special Programs will be notified by forwarding a copy of the complaint within three (3) business days of receipt, and provide written acknowledgement to the Complainant and the Respondent within ten (10) business days by certified mail confirming receipt of the complaint.
 - Complaints received in the form of a formal charge or a lawsuit will be handled by the Beaufort County Legal Department.
 - Complaints received orally (in person or by telephone) shall be recorded, converted to writing, and subsequently provided to the Complainant for approval and signature before processing.
 - Signed complaints received via U.S. postal mail, facsimile, or email will be acknowledged and processed.
 - If a complaint is deemed incomplete, within fifteen (15) business days from receipt of the complaint, additional information will be requested. The Complainant will be provided sixty (60) business days to submit the required information. Failure to provide the requested information may be considered cause for dismissal of the complaint.
 - If a complaint is deemed complete, within fifteen (15) business days from receipt of the complaint, the County will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation.

Investigative Jurisdiction

- When the County does not have jurisdiction in pursuing the matter, the complaint will be dismissed and the Complainant will be referred to the appropriate local, state, or Federal agency holding such jurisdiction. In such cases, the County will take no further action unless otherwise directed by SCDOT.
- When the County has jurisdiction in pursuing the matter, the complaint will be evaluated for investigative merit.

Investigative Merit

- If the complaint does not have sufficient merit to warrant investigation, within five (5) business days of that decision, the County will notify the Complainant and Respondent by certified mail and specifically state the reason for the decision.
- If the complaint has sufficient merit to warrant investigation, the Beaufort County Legal Department shall immediately notify the County Administrator and SCDOT, and within five (5) business days of that determination, the County will notify the Complainant and Respondent by certified mail, and specifically state the grounds of the County's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigation. Merit will be determined by whether the complaint is timely filed; whether the allegations involve a covered basis such as race, color, national origin, age, sex/gender, disability, religion, or language; and whether the allegations involve a Beaufort County program or activity receiving Federal funding.

Upon confirming complaint merit, the County Administrator shall assemble an investigative team, to include at a minimum the County Attorney and a member from the Beaufort County program office responsible for the area in which the discrimination is alleged. The County Administrator may elect to alter the investigative team as necessary, to ensure a sound and fair process. The County Administrator may also elect to retain outside persons or agencies to assist in the investigation process.

- In addition to improper jurisdiction and/or lack of merit, complaints may also be dismissed for any of the following reasons including, but not limited to:
 - The complaint is untimely filed.
 - The complaint does not allege a basis covered by the statutes for which the County is responsible.
 - The complaint does not allege any harm with regard to covered programs or statutes.
 - The Complainant requests the withdrawal of the complaint.
 - The Complainant cannot be located after reasonable attempts.
 - The Complainant fails to accept a reasonable resolution (with reasonableness to be determined by SCDOT).
 - The Complainant has filed a legal action in a South Carolina Court of Law with the same basis(es) and issue(s) involved in the complaint and/or filed the same complaint with another local, state, or Federal agency.
- 3. The investigative team will evaluate the complaint and develop an investigative plan. Unless the evidence clearly shows the need to expand the issue, investigations shall be confined to the issues and facts relevant to the specific allegations in the complaint. Within forty-five (45) business days, the investigative team will schedule interview(s) (which shall be recorded) with the Complainant and Respondent at a minimum. If the investigation is delayed for any reason and/or more time is required for action, the County will request an extension from SCDOT.

The purpose of interviewing the Complainant is to gain a better understanding of the situation outlined in the complaint of discrimination. The purpose of interviewing the Respondent is to provide an opportunity to respond to the allegations raised by the Complainant, and provide the investigative team with an opportunity to understand the Respondent's operation or policies cited by the Complainant. The Complainant or Respondent may request that additional persons are interviewed as witnesses; however, only persons who have information relevant to the allegations raised in the discrimination complaint will be interviewed. Interviewers shall do the following:

- Identify the nature of the complaint.
- Identify and describe the program or activity receiving Federal funding.
- Clarify all information received.
- Obtain supporting documents as needed.
- Identify relief being sought by the Complainant.

- Obtain telephone numbers, mailing addresses, and e-mail addresses of all parties involved.
 - Document names and positions of all staff persons present.
 - Document the location, date, and time of the interview.
 - Identify the Complainant with particularity and using Title VI criteria (as appropriate, e.g. race, color, sex/gender, age, disability, national origin).
4. A final investigative report will be submitted to the County Administrator (with copy to SCDOT) within twenty (20) business days after the conclusion of all interviews. The report will:
- Identify the basis of the complaint.
 - Identify concerned parties, to include the Complainant, Respondent, witnesses, staff, etc.
 - Identify the Complainant's concerns and issues.
 - Determine if the complaint has a basis in fact.
 - Identify the Complainant by Title VI criteria (as appropriate, e.g. race, color, sex/gender, age, disability, national origin).
 - Identify supporting documents received and reviewed.
 - State specific finding of fact.
 - List and discuss the possible options for remedy of relief of complaint.
 - Make recommendations.

When the County Administrator and/or SCDOT do not concur with the recommendations contained in the final investigative report, an alternate recommendation(s) may be made.

When a final investigative report is accepted by the County Administrator and SCDOT, the County will issue letters of finding to the Complainant and Respondent within ten (10) business days from acceptance of the report.

5. The County will maintain a case file and log of all Title VI complaints received. The case file shall contain the following:
- A copy of the complaint.
 - The investigative plan.
 - The investigative reports.
 - All correspondence to and from the Complainant and Respondent.
 - All official recordings, statements, and/or affidavits taken.

- All documents used to make the determination.
- Any and all investigator's notes.
- Any and all documents pertaining to the complaint.
- A copy of the final decision.

Case files shall be maintained for five (5) years, and afterwards, may be disposed of in accordance with applicable State law requirements. The complaint log will be available to the public online and include at a minimum, the case number, date of complaint filing, basis of complaint, actions taken, and status of the investigation.

6. If the Complainant is dissatisfied with the County's resolution of the complaint, that individual has the right to file a complaint with:

South Carolina Department of Transportation
Office of Business Development and Special Programs
Attention: Title VI Coordinator
Post Office Box 191
Columbia, SC 29202-0191
803.737.5095 TEL
803.737.2021 FAX

-or-

Federal Highway Administration
South Carolina Division
Attention: Civil Rights Officer
Strom Thurmond Federal Building
1835 Assembly Street, Suite 1270
Columbia, SC 29201
803. 253.3879 TEL
803.253.3989 FAX



TITLE VI DISCRIMINATION COMPLAINT FORM

Any individual, group of individuals, or entity believing they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint. A formal complaint must be filed within one hundred eighty days (180) of the alleged occurrence.

Last Name:	
First Name:	
Gender:	<input type="checkbox"/> Female <input type="checkbox"/> Male
Mailing Address:	
City:	
State:	
Zip Code:	
Telephone No.:	
E-mail Address:	
Identify the category of discrimination: <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> National Origin <input type="checkbox"/> Religion/Creed <input type="checkbox"/> Color/Race <input type="checkbox"/> Income Status <input type="checkbox"/> Retaliation <input type="checkbox"/> Sex/Gender <input type="checkbox"/> Native Language <input type="checkbox"/> Veteran Status <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Marital Status	
Identify the color/race of the Complainant (person with complaint): <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Asian American <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> American Indian <input type="checkbox"/> Black <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other	
Name of Beaufort County official(s) responsible for the alleged discriminatory action(s):	
Name and telephone number of any witness(es) whom we may contact for additional information to support or clarify your complaint:	
Please provide the date and place of the alleged discriminatory action(s), including the earliest date of discrimination and/or most recent date of discrimination. <i>(Attach additional pages, if necessary.)</i>	
Please provide details regarding the alleged discrimination, including the nature of the action, decision, or conditions. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. If possible, include how other persons were treated differently from you. <i>(Attach additional pages, if necessary.)</i>	



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Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please check all that apply and provide the filing dates:

- | | |
|--|-------|
| <input type="checkbox"/> U. S. Equal Employment Opportunity Commission | Date: |
| <input type="checkbox"/> Federal Highway Administration - SC Division | Date: |
| <input type="checkbox"/> SC Department of Transportation | Date: |
| <input type="checkbox"/> State or Federal Court | Date: |
| <input type="checkbox"/> Other | Date: |

Are you represented by legal counsel with regard to anything related to this matter?

- Yes No

If yes, please provide the name of the attorney, his/her firm's name, address, and telephone number.

Have you discussed the complaint with any Beaufort County employee or elected official? (*Attach additional pages, if necessary.*)

<u>Name</u>	<u>Position</u>	<u>Date of Discussion</u>
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Briefly explain what remedy, or action, you are seeking for the alleged discrimination.

**BEAUFORT COUNTY CANNOT ACCEPT AN UNSIGNED COMPLAINT.
PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

RETURN FORM TO:

Beaufort County Government c/o County Administrator's Office
PO Drawer 1228 | Beaufort, SC 29901-1228 | 843.255.6055 Tel | 843.255.9802 FAX | compliance@bcgov.net

FOR OFFICE USE ONLY

Date Complaint Received: _____

Received by: _____ (Print Name)

Case No.: _____ (format: year-month-case number, e.g. 2018-01-01)

Referred to: Beaufort County Legal Department SCDOT Other Agency: _____ Date Referred: _____