

HIDALGO COUNTY, TEXAS
ADMINISTRATIVE POLICY MANUAL

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TITLE VI COMPLAINT PROCESSING PROCEDURES

Purpose:

The purpose of the discrimination complaint procedures is to describe the process used by the County of Hidalgo for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the County's program, activities, and services as required by statute.

The complaint procedures apply to the beneficiaries of County programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub- recipients of Federal and state funds.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

Filing a Complaint:

Any person who, based on race, religion, color, national origin, sex, age, or disability believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the County of Hidalgo or its sub-recipients, consultants and contractors may bring forth a discrimination complaint under Title VI. Only complaints based on the complainant's protected status will be considered under Title VI.

The complainant may file a signed, written complaint up to 180 calendar days from the date of the alleged act of discrimination or the date the person(s) became aware of the alleged act(s) of discrimination. The County may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints must be in writing. In cases where the complainant is unable or incapable of providing a written statement, the complainant shall be interviewed and assisted in converting a verbal complaint or appeal into writing. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

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The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. The complaint should include the following information:

- Complainant name, mailing address, and a method of contact (i.e., telephone number, email address, etc.);
- How, when, where and why the alleged discrimination occurred. Include the location, names and contact information of any witnesses; and
- Other information that the complainant deems significant.

Items that would not be considered a formal complaint (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

- An anonymous complaint that is too vague to obtain required information,
- Inquiries seeking advice or information,
- Courtesy copies of court pleadings,
- Courtesy copies of internal grievances.

The Title VI Complaint Form (Attachment 13) may be used to submit the complaint information. Complaint forms can also be obtained at the Hidalgo County Executive Office or online at <http://www.co.hidalgo.tx.us>.

To request additional information on County of Hidalgo's nondiscrimination obligations, to file a Title VI Complaint, or to request a complaint form, please submit a written request or complaint to:

County of Hidalgo Executive Office
Title VI/Nondiscrimination Coordinator
2818 S. Bus. Hwy. 281
Edinburg, Texas 78539

Phone: (956)292-7655
Fax: (956)292-7034

Complaint Process:

The Hidalgo County Title VI/Nondiscrimination Coordinator will acknowledge receipt of the complaint, and begin an investigation, within ten (10) business days of receipt of a complaint alleging discrimination based on race, color, national origin, sex, age or disability. (Attachment 14 – Complaint Process Flowchart). The Title

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VI/Nondiscrimination Coordinator must also provide appropriate assistance to complainants, including those persons with disabilities, or who may be limited in their ability to communicate in English.

The Title VI/Nondiscrimination Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI/Nondiscrimination Coordinator may, at his/her discretion, assign a capable person to investigate the complaint. The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Title VI/Nondiscrimination Coordinator. The Title VI/Nondiscrimination Coordinator will interview the complainant and if necessary assist the person in converting a verbal complaint to writing. All complaints must, however, be signed by the complainant or his/her representative. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

Transportation related discrimination complaints filed under Title VI with the County of Hidalgo in which the County or its sub-recipients are named as the respondent shall be forward to Texas Department of Transportation, Office of Civil Rights for investigation within 10 calendar days of receipt of the complaint.

The Title VI/Nondiscrimination Coordinator shall make every effort to address all complaints in an expeditious and thorough manner. The Title VI/Nondiscrimination Coordinator will contact the complainant in writing no later than thirty (30) business days after receipt of complaint for additional information, if needed. The Complaint will be copied, filed and logged. If the complainant fails to provide the requested information in a timely basis, Title VI/Nondiscrimination Coordinator may administratively close the complaint.

The Title VI/Nondiscrimination Coordinator will complete the investigation within sixty (60) calendar days of receipt of a complaint. If additional time is needed for investigation, the complainant will be notified. A written investigation report will be prepared by the Title VI/Nondiscrimination Coordinator. This report shall include a summary description of the incident, findings for each issue, and recommended corrective action, if any. The written investigation report will be provided to the Criminal District Attorney's Civil Litigation Division for review prior to distribution.

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The investigation and recommended decision will be forwarded to the state agency (if sub -recipient) or federal agency (if recipient) for the program or activity involved. If the investigator is unsure which agency to send the investigation, it should be sent to:

U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section, NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
1-888-848-5306

Disposition of Complaint:

A final written response letter will be provided to the complainant and the department for the program involved within 10 calendar days of completing the investigation. In the letter notifying complainant that the complaint is not substantiated, the complainant is also advised of his or her right to appeal with the County within five (5) business days from receipt of the closing letter or that they may file a complaint externally with an applicable federal agency. If there is no appeal or no findings, the complaint will be closed. If required, the investigation report will be forwarded to the appropriate state or federal agency.

Appeal Process:

Upon receipt of a written request for appeal, the Title VI Coordinator or designee will verify timeliness of filing. An appeal request mailed via US mail is considered filed on the date postmarked.

If the appeal request is determined to be filed timely, the Title VI Coordinator or designee will send a notice of receipt of appeal to the appealing complainant informing them of the appointment of the appeal committee and general appeal process and will initiate the Title VI Appeal Committee review process.

The Title VI Appeals Committee will be composed of three members and will be tasked with reviewing any Title VI appeal and submitting a written appeal decision. The three member committee will consist of the Director or designee from the following three departments:

- a. Department of Human Resources
- b. Department of Health & Human Services
- c. Department of Budget & Management - Employee Benefits Division

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If a Committee representative or the representative's department is involved in the complaint, or is otherwise conflicted to participate as a member of the committee, the Title VI Coordinator will have the discretion to choose a replacement.

The Title VI Appeals Committee will choose one individual among them to serve as chair of the committee. The County's Legal Counsel will serve to advise the committee as needed.

Within 30 calendar days after receipt of the appeal, the County's Title VI Appeals Committee will review the complainant's permanent file including but not limited to the final investigation. During this time, the Committee shall confer a minimum of one time to discuss the matter and their decision.

After review of the complainant's permanent file, the Committee shall vote to either:

- a. Accept the County's findings;
- b. Reject the County's findings;
- c. Accept in part and Reject in part the County's findings; and/or
- d. Recommend any applicable action to be taken.

Within 15 calendar days after the Title VI Appeals Committee's final decision, the Title VI Appeals Committee will provide a written appeal decision to the Title VI Coordinator which shall include the Committee's conclusions.

The Title VI Coordinator shall provide complainant with a copy of the Title VI Appeals Committee's final appeal decision. If necessary, Title VI Coordinator may take recommended action.

Complaint Logs:

The Title VI/Nondiscrimination Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming the County of Hidalgo, which alleges discrimination with respect to Title VI concerns. (Attachment 15). The log shall include information on each complainant to include:

- The identity of the complainant,
- The recipient,
- The race, color, sex or national origin of the complainant,
- The nature of the complaint,
- The dates the complaint was filed,

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- A summary of the allegation,
- The date the investigation was completed,
- The disposition,
- The date of the disposition, including whether the parties to a lawsuit have entered into a consent decree; and
- Any other pertinent information (such as age or disability)

County departments/elected offices Responsibilities: (under this Section)

All Title VI complaints must be forwarded to the Title VI/Nondiscrimination Coordinator to investigate, regardless of whether the County department/elected official is required to conduct a separate investigation. The Title VI/Nondiscrimination Coordinator's investigation does not replace any other statutory obligation to investigate. The County department head and elected official, including Hidalgo County Head Start and Community Service Agency must:

- Post the Title VI Complaint Procedure and Complaint Form (Attachment 16) in a conspicuous location in their building or department, whereby the public and employees have access to the information;
- Refer any Title VI Complaint to the Title VI/Nondiscrimination Coordinator within 48 hours of receipt;
- Maintain a log of Title VI Complaints received (Attachment 15) and forward the log of Title VI Complaints to the Title VI/Nondiscrimination Coordinator by the 1st of each month.

Record Keeping:

The Title VI/Nondiscrimination Coordinator will maintain permanent records, which include, but are not limited to:

- Signed acknowledgements of receipt from the employees indicating the receipt of the Hidalgo County Title VI Plan and LEP Plan;
- Copies of the Title VI complaints or lawsuits and related documentation;
- Compliance records, and records of correspondence to and from complainants;
- Title VI investigations; and
- Any appeals decisions, responses or other pertinent records

The records shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer; however, should records be the subject of a grievance, administrative action,

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litigation or other formal complaint, said records must be maintained for the minimum retention period and thereafter until the final disposition or resolution of the complaint.