

# CITY OF OAKLAND

## ***TITLE VI PLAN***

**2023-2025**

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## INTRODUCTION

The City of Oakland recognizes its responsibility to ensure fairness, equal opportunity, and equity in all its programs, services, and activities and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance. Specifically, Title VI assures that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations, and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons because of projects which are undertaken with federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits recipients of federal funding from discriminating on the basis of disability and requires certain affirmative steps to accommodate participants with disabilities. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors, whether those programs and activities are federally funded or not. And the Americans with Disabilities Act of 1990 extended disability-based nondiscrimination requirements to entities that do not receive federal funding.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires organizations to address Environmental Justice as part of their mission by identifying disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. Environmental Justice initiatives are accomplished by involving members of the potentially affected public in developing projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” clarifies that Title VI’s obligation to avoid discrimination based



on national origin includes obligations to take reasonable steps to ensure meaningful access for Limited English proficient individuals.

The City of Oakland will not restrict any individual from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefits under its programs or projects based on their race, color, national origin, sex, or disability. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, national origin, sex, or disability or which have the effect of defeating or substantially impairing the accomplishment of the objectives of the program because of race, color, national origin, sex or disability. As a recipient of federal financial assistance, the City must provide meaningful access to individuals with limited ability to speak, write, or understand English. Therefore, the primary goals and objectives of the City of Oakland's Title VI Program are:

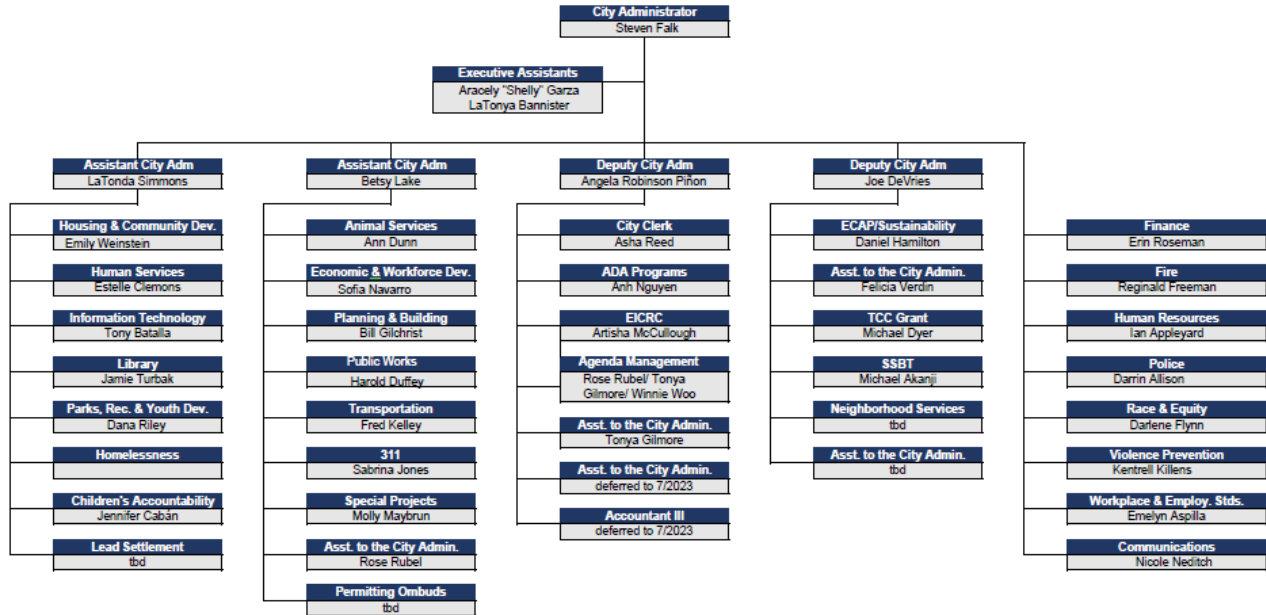
1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI and related regulations and directives;
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of Oakland's programs and activities;
4. To establish procedures for identifying impacts in any program, service, or activity that may create discriminatory adverse effects on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to discrimination under Title VI in the City's services, programs, or activities.

The City of Oakland will also ensure that its sub-recipients adhere to state and federal law and include in all written agreements or contracts assurances that the sub-recipient must comply with Title VI and related statutes. When applicable, the City of Oakland will monitor its sub-recipients for compliance with Title VI. If non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies related to Title VI, and that sub-recipients

proactively gauge the impacts of any program or activity on minority populations and low-income populations, persons with disabilities, and other interested persons and affected Title VI populations.

**ORGANIZATIONAL CHART**

Organizational Chart  
April 2023



## NON-DISCRIMINATION POLICY STATEMENT

It is the express policy of the City of Oakland that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City program or activity, whether those programs and activities are federally funded or not, on the grounds of race, religion, color, sex, national origin, age, disability, sexual orientation, or gender identity.

If you need this information in an alternate format, such as in Braille or in a language other than English, please contact the Language Access Program - 150 Frank H. Ogawa Plaza 2nd Floor, Oakland, CA 94612 – Telephone: (510) 238-3112 – Fax: (510) 238-2325.

### AUTHORITIES

City of Oakland policies and procedures are governed by a wide range of requirements, including federal laws, regulations, and executive orders. Title VI requirements include, but are not limited to:

**Title VI of the Civil Rights Act of 1964 [Pub. L. 88-352 (1964), codified as 42 U.S.C. §§2000d through 2000d-4]**

Title VI of the Civil Rights Act of 1964 prohibits discrimination in, or the denial of benefits under, any program or activity receiving federal financial assistance on the grounds of race, color, or national origin.

**The Civil Rights Restoration Act of 1987, [Pub. L. 100-259, Sec. 6 (1988), codified as 42 U.S.C. §2000d-4a]**

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

**Federal Aid Highway Act of 1973, [Pub. L. 93-87 (1973), codified as 23 U.S.C. §324]**

The Federal Aid Highway Act of 1973 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

**Age Discrimination Act of 1975, [Pub. L. 94-135 (1975), codified as 42 U.S.C. §6102]**

The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the

benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

**Americans with Disabilities Act of 1990, Subchapter 2, Part A [Pub. L. 101-336 (1990); codified as 42 U.S.C. §§12131-12134]**

The Americans with Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

**Section 504 of the Rehabilitation Act of 1973 [Pub. L. 93-112 (1973), codified as 29 U.S.C. §794]**

Section 504 of the Rehabilitation Act of 1973 provides that no qualified person with a disability shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

**23 CFR Part 200**

23 CFR 200 are administrative regulations promulgated by the Federal Highway Administration that specify the Title VI implementation requirements for departments of transportation at state and local levels.

**49 CFR Part 21**

49 CFR 21 are administrative regulations promulgated by the US Department of Transportation that specify the Title VI implementation requirements for departments of transportation at state and local levels.

**Exec. Order No. 12898**

Executive Order 12898 covers federal actions to address Environmental Justice in minority populations and low-income populations. Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social class. Additionally, environmental justice means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use planning and zoning, municipal and commercial operations, or the execution of federal, state, local and municipal program and policies.

**Exec. Order No. 13166**

Executive Order 13166 addresses the improvement of access to services for persons with Limited English Proficiency.

## DEFINITIONS

As used in this Title VI Plan, the following mean:

**Affected parties:** Persons protected against discrimination because of race, color, national origin, sex, age, disability, or income level by Title VI and related legal requirements.

**Contractor:** A person or entity who has entered into an agreement with the City that is subject to Title VI Requirements.

**LEP Program:** The Limited English Proficient program was established by the City to assist individuals who do not speak English as their primary language and who therefore have limited ability to read, speak, or understand the English language and connect with City government and assist with needed services.

**Meaningful access:** The provision of communicative assistance by the City necessary to allow limited English proficient (LEP) persons to participate in governmental services/activities.

**Proposed Project:** A project that receives federal funds and is subject to Title VI Requirements.

**Subrecipient:** A person or entity that receives federal funds from the City to be used by the entity to further the objectives of the federal grant. The City is the recipient of the grant, and the person or entity is a sub-recipient of those grant funds. An example of a sub-recipient relationship would be where the City grants federal funds to a non-profit corporation that the corporation uses to provide assistance for low-income households to pay utility bills.

**Title VI Assurances:** Conditions imposed upon contractors or sub-recipients as a result of federal funding being directly or indirectly provided to the contractor or sub-recipient.

**Title VI Requirements:** The nondiscrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166.

**Adverse Effects** – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects.

**Federal Assistance** – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal



personnel, federal property, or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contracts which has, as one of its purposes, the provision of assistance.

**Limited English Proficiency** - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the local City.

**Low-Income** – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

**Low-Income Population** – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed local City program, policy, or activity.

**Minority** – A person who is:

1. Black – A person having origins in any of the black racial groups of Africa;
2. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
3. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
4. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Minority Population** – Any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically

dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed local City program, policy, or activity.

**Non-Compliance** – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

**Recipient** - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, organization, or other entity, or any individual in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof but does not include any ultimate beneficiary under any such program.

**Disproportionate Adverse Effects on Minority and Low-Income Populations** – An adverse effect that:

1. is predominantly borne by a minority population and/or a low-income population, or
2. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

## **TITLE VI PROGRAM COMPONENTS AND RESPONSIBILITIES**

The Title VI Coordinator's or Representative's responsibilities may include, but are not limited to:

1. Implement the City's discrimination complaint and compliance review procedure, receive and process Title VI discrimination complaints, and oversee the process to ensure that complaints are handled effectively.
2. Receive and respond to inquiries from City residents, participants, stakeholders, leadership, staff, and others regarding discrimination, including language access, and other inquiries regarding Title VI civil rights.
3. Organize and maintain records of all complaints filed and compliance reviews conducted to ensure tracking of all discrimination complaints filed with the City under federal non-discrimination Title VI requirements.

4. Update and maintain the Title VI Program Plan.
5. Conduct department survey reviews and other projects to track Title VI Compliance requirements.
6. Review departmental program data collection processes regarding race, color, national origin, age, and sex of participants in and beneficiaries of the City's federally funded programs.
7. Identify deficiencies in compliance with Title VI Requirements and make recommendations for remedial actions to be taken to resolve such deficiencies.
8. Coordinate with the LEP and ADA units and other City staff to create and provide Title VI training.
9. Coordinate with federal agencies from whom the City receives financial assistance to provide required reports, data, compliance reviews, and investigations.

#### **DEPARTMENT/PROJECT OR GRANT ADMINISTRATOR RESPONSIBILITIES**

Each Department is responsible for Title VI compliance for individual programs and projects. Compliance activities include, but are not limited to:

1. Ensuring that all aspects of a Proposed Project's planning process and operations comply with Title VI Requirements, including the City's Language Access Plan and Public Participation Plan.
2. Ensuring that Affected parties have meaningful access to a Proposed Project's planning processes.
3. Collecting data and reporting on Title VI activities, including outreach events and trainings.
4. Reviewing the Department work programs, policies, and other directives to ensure compliance with Title VI Requirements.
5. Verifying the level of participation of Affected parties, including those with limited English proficiency and those with disabilities, at public outreach meetings.
6. Monitoring sub-recipient Title VI requirements.
7. Providing information on nondiscrimination and City programs to the public.

8. Ensuring staff at public contact points (e.g., reception desks) have access to “I Speak” cards (printouts of a variety of languages that a limited English proficient person can point to and identify their preferred language).
9. Work with the Equal Access Office to timely provide foreign language interpretation for individuals with limited English proficiency for public meetings on request.
10. Work with the ADA Coordinator to timely provide documents in Braille or large print on request and to arrange sign language interpreters for meetings with individuals with disabilities on request.
11. Work with the ADA Coordinator to ensure the Department’s website is accessible to people with disabilities.
12. Identify the Department’s vital documents and work with the City Equal Access Office to timely translate vital documents into foreign languages when needed.
13. Ensuring that all outreach, public participation, and planning activities ensure meaningful inclusion and participation of minority and disability communities.
14. When planning specific programs or projects, identifying those populations that will be affected.
15. If a disproportionately negative effect is anticipated, identify, document, and follow appropriate procedures to avoid, reduce or eliminate the disproportionately negative effect.
16. If mitigation options do not sufficiently eliminate the disproportionate effect, identify, document, and, if necessary, implement reasonable alternatives.
17. Ensure inclusion of nondiscrimination language in contracts, grants, and Requests for Proposals (RFPs).
18. Collect, assess, and report data on contractors and grantees, including (1) discrimination complaints against them, (2) demographics of individuals served by them, and (3) their nondiscrimination policies, procedures, and practices, including environmental justice, disability access, and language access.
19. Distributing information to Department staff on training programs regarding Title VI, the ADA/Section 504, and related statutes.
20. Track and report to the Title VI Compliance Coordinator on staff participation in non-discrimination training.
21. Maintain and update nondiscrimination training as necessary.
22. Collect, assess, and report data on contractors and grantees, including (1) discrimination complaints against them, (2) demographics of individuals

served by them, and (3) their nondiscrimination policies, procedures, and practices, including environmental justice, disability access, and language access.

### **ELIMINATION OF DISCRIMINATION**

The City will continue its practice of identifying and addressing discrimination based on race, color, religion, sex, national origin, age, mental or physical disability, sexual orientation, and gender identity. Where such discriminatory acts are found to exist, the City will make recommendations for implementing practices to eliminate the discriminatory conduct.

### **PUBLIC DISSEMINATION OF INFORMATION**

Title VI Project or Grant administrators shall ensure the dissemination of Title VI Program information to City employees, sub-recipients, contractors, affected parties, and the public, including compliance with the Language Assistance Plan. Public dissemination efforts may include posting public statements setting forth the City's non-discrimination policy; inclusion of Title VI Assurances in City contracts and grants; posting a Title VI Policy on the City website; and providing notice of City Proposed Projects to minority communities.

### **TITLE VI ASSURANCES IN CONTRACTS AND GRANTS**

Title VI Project or Grant Administrators will seek to ensure that all federally funded contracts administered by the City contain Title VI Assurances. In the event that the City distributes federal funds to another entity through grants or other agreements, the department administering the grant or agreement will ensure that such grants and agreements contain Title VI Assurances. The Department's Project or Grant Administrator will monitor the performance of the contract or grant for compliance.

### **LANGUAGE ASSISTANCE PLAN**

The City of Oakland Implementation of Four Factors Analysis

The purpose of the Language Assistance Plan is to identify reasonable steps to provide language assistance for Limited English Proficiency (LEP) persons who seek meaningful access to City services as required by Executive Order 13166. As defined by this order, an LEP person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. The City of Oakland will ensure that individuals have

meaningful access to its programs, activities, and services by developing and carrying out the Language Assistance Plan herein.

(See the City of Oakland's Title VI website to view the full Language Access Plan)

III (d): "Language Access Services" include interpretation of oral communications and translation of written communications by Bilingual Employees, Qualified Interpreters, and Qualified Translators; telephone, internet, or video interpretation; and translated materials, as appropriate to, and effective for, the information being communicated and the context of the communication. Which type of Language Access Service to offer in a particular situation will depend on the following:

- (1) The number and proportion of LEP Persons served or encountered in the service area.
- (2) The frequency with which LEP Persons come into contact with the City's programs and activities.
- (3) The nature and importance of the program or activity provided by the City; and
- (4) The resources available and costs to the City.

The City Administrator or designee will make the final decision as to what type of Language Access Service is required.

### **ANALYSIS:**

The City of Oakland takes reasonable steps to ensure that information and services provided in English are accessible to LEP persons. Assessment is done through the City Administrator's Annual Compliance Plan & Report to determine if modifications are needed to program and activities to ensure meaningful access by LEP persons.

### **(1) City of Oakland assess the number and proportion of LEP persons:**

- US Census Data is reviewed annually.
- American Community Survey (16001) for Oakland, CA, is reviewed annually.
- American Community Survey (16001) data is pulled for each Oakland zip code. Our Annual Compliance Plan & Report calls for both community-based and Citywide analysis. Our community-based service locations also consider LEP population data by zip code based on its physical address in determining the proportion of LEP persons in its immediate service area.
- Poll/Survey. The City of Oakland conducts a Citywide Language Access Survey every two years to assess the number and proportion of LEP persons in Oakland, CA. The survey is disseminated throughout all City service locations.

US Census Bureau American Community Survey data (C16001) and survey results are included in our Annual Compliance Plan and Report. The Annual Compliant Plan & Report identifies LEP language groups for Oakland: the 10,000 LEP Group and the 1,000 LEP Group (safe harbor threshold). The list is disseminated internally to all City Departments, presented at all New Employee Orientation and Supervisor Academy throughout the year, and information is published publicly.

**(2) The frequency with which LEP Persons come into contact with the City's programs and activities:**

- Poll/Survey. Citywide Language Access Survey is conducted every two years to assess the number and proportion of LEP persons in our service area. Demographic data is analyzed for language use and contact with City's program and activities. The survey includes feedback and suggestion gathered from LEP persons.
- Evaluation meetings with interpreters and contracted vendors who routinely come in contact with the City of Oakland's clients and employees. Such evaluation meetings are face-to-face meetings or virtual meetings.
- Training and discussions with City staff who typically come in contact with LEP persons.
- Annual reports and Citywide surveys that capture past interactions with LEP are kept for the record. Data, percentage change, and trends are analyzed.

**(3) The nature and importance of the program or activity provided by the City:**

- Summary of service delivery model, organization structure, and programs offered by our City departments are provided in our Departmental Compliance Report annually.
- A management level employee is designated by each City department as its Language Access Coordinator. One of its roles is to assess the importance of its department's service to LEP persons and coordinate necessary language services.
- Gather input from contracted translators and interpreters, community partners, and Language Access Coordinators on the importance of service to LEP persons.
- The list of vital documents is reviewed annually and provided publicly every year. Notice advising LEP persons of the availability of free language assistance is assessed, and the locations of posting are also reported annually.

#### **(4) The resources available and costs to the City.**

- Summary of resources available is available to all City employees.
- Over-the-phone dialing instruction page along with compliance poster and I-speak card is available at all service locations.
- Contract agreements with language vendors are publicly available information accessible through our City Clerk's office. Available languages list, cost structure, and scope of service are included in the contract agreement. All language service contracts are presented publicly at City Council meetings and available for public comment.
- The list of bilingual employees is compiled and reviewed annually.
- Budget is reviewed to identify available funding through the City of Oakland's budgeting process. Actual expenses on translation, interpretation, and bilingual pay, are reported annually to help the department develop a budget for the next year.

### **DATA COLLECTION**

Statistical data on race, color, national origin, English language ability, and sex of participants in and beneficiaries of the local City programs, e.g., impacted citizens and affected communities, will be compiled and maintained where applicable. The department Title VI representative will review the data and determine if it is sufficient to meet the requirements of the Title VI Plan.

### **TRAINING PROGRAM**

Training will be made available to City staff responsible for the implementation of the Title VI Requirements. Training will provide comprehensive information on the Title VI Requirements and its application to programs or operations; assistance on the identification of Title VI issues; and an overview of the complaint process.

### **TITLE VI REVIEWS OF SUB-RECIPIENTS**

The reviews will entail an examination of the recipients' adherence to all Title VI requirements.

### **CITY DEPARTMENT COMPLIANCE REVIEWS**

Departments with Title VI responsibility will be required to complete a Title VI survey (where applicable) to assess the Department's effectiveness in ensuring compliance with Title VI Requirements. Surveys may require an executive summary; a list of programs subject to the Title VI Requirements; a summary of



any complaints of violations of the Title VI requirements; data regarding language services and disability accommodations provided; a summary of the statistical data compiled by the Department; a summary of Title VI training provided; and a general assessment of the Title VI compliance by the Department.

### **PREVENTIVE AND REMEDIAL EFFORTS**

The City will seek to prevent Title VI deficiencies. In taking such action, some programs (where applicable) will work to create an action plan for preventive or remedial action.

When the Department project or grant administrator reasonably believes a contractor or sub-recipient has violated a Title VI Requirement, the Department process may involve, but is not limited to, the following:

1. The project or grant administrator will meet with the contractor or subcontractor to conduct an initial review of the facts supporting a finding that a violation of the Title VI Requirements has occurred or is occurring.
2. If, after the initial review, the Department concludes that the contractor or sub-recipient has violated the Title VI Requirements, the contractor or sub-recipient will be given a reasonable time, not to exceed 90 days from the date notice is provided to the contractor or sub-recipient, to voluntarily correct noncompliance.
3. The City will seek to obtain the cooperation of the contractor or sub-recipient in correcting non-compliance and will offer to provide technical assistance needed by the contractor or sub-recipient to obtain voluntary compliance with the Title VI Requirements.
4. A follow-up review will be conducted within (normally within 180 days of the date notice is provided to the contractor or sub-recipient) to ensure that the violation of the Title VI Requirements has been corrected. If, after the review, the contractor or sub-recipient has failed to correct the violation, the City may take appropriate action (e.g., withhold funds, cancel the contract) required to comply with the City's obligation under the federal grant.
5. When a contractor or sub-recipient has failed or has refused to comply with Title VI Requirements after the initial review, the department may submit copies of the file to the appropriate state or federal agency (e.g., ODOT's Office of Civil Rights), along with a recommendation that the file be reviewed for a determination of whether the contractor or sub-recipient has violated the Title VI Requirements.

## **COMPLAINT PROCESS**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise Title VI complaints of discrimination regarding City programs, activities, and services as required by statute.

### **II. Purpose**

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

### **III. Roles and Responsibilities**

The Title VI Coordinator has overall overview responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at their discretion, assign a capable person to investigate complaints.

#### **Title VI Complaints Processed Under the Federal Highway Administration (FHWA)**

Title VI complaints filed with the City of Oakland in which The City of Oakland is named as the Respondent will be forwarded to the FHWA Division Office. The Complainant will receive an acknowledgment letter informing them that the complaint has been received and forwarded to the FHWA.

Per the FHWA Guidance Memorandum, Processing of Title VI Complaints, dated June 13, 2018, complaints received by a sub-recipient are to be forwarded to the City of Oakland to be submitted to FHWA Division Office.

#### **Title VI Complaints Processed Under the Federal Transit Administration (FTA)**

Title VI complaints filed with the City of Oakland, in which the City of Oakland is named as the Respondent, will be processed by the City of Oakland. Per FTA, Title VI complaints are to be handled at the local level or elevated to FTA under egregious Title VI discriminatory circumstances. The Complainant will receive an acknowledgment letter informing them that the complaint has been received and

whether the complaint will be processed by the City of Oakland or forwarded to the FTA.

Title VI complaints filed with the City of Oakland against a sub-recipient will be processed by the City of Oakland. If the complaint is filed with the sub-recipient, the sub-recipient is responsible for investigating the complaint in accordance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

#### **IV. Filing a Complaint**

##### **Jurisdiction**

- a. The coordinator, or their designee, will make a determination of whether the City has jurisdiction over the complaint. The Complainant will receive an acknowledgment letter and information informing the Complainant whether the complaint will be reviewed/investigated or referred out to the appropriate authority.
- b. If the Coordinator finds jurisdiction, the coordinator will notify the City department or agency that is the subject of the complaint and request a response to the complaint.
- c. Every effort will be made to obtain early resolution of the complaint at the lowest managerial/administrative level possible through a mutually agreeable solution.
- d. Any informal resolution must be signed by both the City department that is the subject of the complaint and the complainant.
- e. If it is determined that a formal investigation is warranted, a designee will be assigned to investigate.

##### **Conducting the Investigation**

- f. The designated investigator will conduct an impartial and objective investigation filed under Title VI or related federal non-discrimination statutes, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.
- g. The investigation may include interviews of the complainant, City employees, contractors, subcontractors, subgrantees, and witnesses to the

alleged discrimination, as well as a review of any physical or written evidence.

- h. The investigation will address only those issues relevant to the allegations in the complaint. Confidentiality will be maintained as much as possible.
- i. A preponderance of the evidence standard will be applied during the analysis of the complaint.
- j. The designated investigator will provide a written response to the Complainant at the conclusion of the investigation. The designee will issue one of three letters:
  - a closure letter summarizing the allegations and stating that there was not a violation and that the case will be closed; or
  - a letter of resolution summarizing the allegations and describing the informal resolution mutually agreed to by the complainant and the department or agency about which the complaint was submitted; or
  - a letter of finding (LOF) summarizing the allegations and the investigation of the alleged complaint and explaining (where appropriate) general corrective actions to be taken by the City.
- k. When the Coordinator, or designee, determines that a violation has occurred and an informal resolution is not reached, the Coordinator shall make a recommendation to the City Administrator or designee for remedial actions. The City Administrator or designee will accept, revise, or reject the Coordinator's recommendations and order the complained-of City department or other City entity[ies] to implement the accepted recommendations.
- l. If the response does not satisfactorily resolve the issue, the Complainant has the right to file their complaint with the associated federal or state agency.
- m. The coordinator shall maintain records of complaints received, informal resolutions, and investigation findings.

**Applicability:**

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

**Eligibility:**

Any person who believes they have been excluded from participation in or denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

**Time Limitation on Filing Complaints:**

Complaints must be filed within 180 days of the alleged discrimination.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complaint should also include the following:

1. Name, address, and telephone number of the complainant.
2. The basis of the complaint (race, color, national origin, sex, age, or disability).
3. The date or dates on which the alleged discriminatory event or events occurred.
4. The nature of the incident that led the complainant to feel discrimination was a factor.
5. Names, addresses, and telephone numbers of persons who may have knowledge of the event.
6. Other agencies or courts where a complaint may have been filed and a contact name.

## **Where to file:**

File online at <https://apps.oaklandca.gov/eeic/UploadForm.aspx>; in person or by mail at 150 Frank Ogawa Plaza, Oakland, CA 94612, or by phone at 510 238. 3500.

These procedures do not deny the right of the Complainant to file a complaint with state or federal agencies or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

The Department of Justice, under Executive Order 12250, coordinates the enforcement of Title VI and related statutes by all agencies that administer federally assisted programs. If the Complainant cannot determine what Federal agency may have Title VI jurisdiction, or if the Complainant does not know where to send their complaint, they can send it to the Department of Justice. As the government-wide Title VI "clearinghouse," the Department of Justice will refer their complaint to the appropriate agency.

## **The address is:**

U.S. Department of Justice Civil Rights Division Federal Coordination and Compliance Section-NWB 950 Pennsylvania Avenue, NW Washington, D.C. 20530  
☎ Title VI (1-888-848-5306) (202) 307-2678 (TDD)

## **Additional filing locations:**

### **Federal Highway Administration**

U.S. Department of Transportation - Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590 ☎ (202) 366-1396

### **Federal Transit Administration**

Civil Rights Division Attention: Complaint Team East Building, 5th Floor – TCR 1200 New Jersey Avenue, SE Washington, DC 20590 ☎ 888-446-4511

### **Office of Environmental Justice**

Environmental Protection Agency [Mail Code 2201A] 1200 Pennsylvania Avenue, NW Washington, DC 20460 ☎ (202) 564-2515 ✉ [environmental-justice@epa.gov](mailto:environmental-justice@epa.gov)

## **Complaints not covered by Title VI**

Complaints involving a City department that are not covered under Title VI can be filed directly to the City department, office, or staff member. The City department, office, or staff member should (where required) consult with the Title VI Coordinator to determine jurisdiction and appropriate action.

**Civil Rights complaints can also be filed with the Department of Justice Civil Rights Division or the State Department of Civil Rights:**

**U.S. Department of Justice Civil Rights** Division Federal Coordination and Compliance Section-NWB 950 Pennsylvania Avenue, NW Washington, D.C. 20530  
☎ Title VI (1-888-848-5306)

**State Civil Rights Department** 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758  
☎ 800-884-1684

## **PUBLIC PARTICIPATION PLAN**

The City is committed to ensuring that projects, programs, and services delivered by the City are sensitive to the various demographic backgrounds of communities within the City. The City Public Participation Plan (PPP) is for use by the City to promote public involvement in the planning and decision-making process of projects, programs, and services.

As a recipient of federal funding, the City is required to adhere to Title VI of the Civil Rights Act of 1964 and to integrate the PPP into its Title VI Program. This plan provides guidelines for involving the public to ensure that all groups are represented, and their needs considered.

## **OUTREACH EFFORTS**

The City will seek to use multiple techniques to actively solicit policy input from Affected parties in the planning process for a project.

Appropriate techniques such as the following may be used to inform, educate, and gain input from the public and affected parties about the City's projects, services, or activities:

1. Surveys or questionnaires - mail-in, online, telephone, personal interview
2. Articles or press releases in the appropriate publications, including foreign language publications.
3. Timely consultation with advisory committees.
4. Distribution of informal reports, flyers, or brochures.
5. Informal presentations at community forums, including community and neighborhood groups.
6. Information about meetings, public hearings, and special events on the City's website.

7. General mailings with posters and flyers to area post offices and appropriate agencies, offices, and organizations for distribution to citizens.

## ENVIRONMENTAL JUSTICE

In accordance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), the City will identify and address the environmental effects of programs, policies, and activities on minority and low-income populations. The City will consider demographic data in its project design and involve the public and affected parties in the planning and development process to assess the environmental impacts of projects on minority and low-income communities. The City will use this information to develop measures to mitigate any potential adverse effects on minority and low-income populations.



**City of Oakland**

### Signature of Authorized City

Official *Angela C. Robinson*

Title: Deputy City Administrator

Date: March 28, 2023

