

Sunrise County Economic Council

Title VI Complaint Procedures

Introduction

Any person who believes they have been discriminated against by the Sunrise County Economic Council (SCEC) on the basis of race, color, national origin, sex, age, or disability, or because they have exercised their rights to participate in action protected, or oppose action prohibited, by 40 C.F.R Parts 5 and 7, or for the purpose of interfering with such rights, may file a Title VI complaint by completing and submitting SCEC’s Title VI Complaint Form.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by SCEC for processing complaints of discrimination under 40 C.F.R. Parts 5 and 7; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the “federal non-discrimination laws”).

Roles and Responsibilities

The SCEC Executive Director serves as SCEC’s Civil Rights Officer. The Civil Rights Officer has overall responsibility for the discrimination complaint process and procedures. The Civil Rights Officer may, at their discretion, assign a capable person within SCEC 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 the information obtained from the investigation.

If the complainant is unable to submit a written complaint, the SCEC Civil Rights Officer should be contacted at: Charles Rudelitch, SCEC Civil Rights Officer; 7 Ames Way Machias, ME 04654; 207-255-0983 or equalopportunity@sunrisecounty.org . SCEC will make reasonable accommodations in its policies and procedures, which are necessary to allow a person with disabilities full access to the complaint filing and investigative process. All complaints, however, must be signed by the complainant and/or by the complainant’s representative.

The complainant shall make themselves reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

In the event that the complaint alleges discriminatory acts by the SCEC Executive Director, the Executive Committee of SCEC’s Board shall appoint an interim Civil Rights Officer to oversee the matter until the investigation and final determination of the complaint are complete.

Filing Complaints

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

Eligibility. Any person who believes that they have been excluded from participation in, denied benefits or services of any program or activity administered by SCEC or its sub-recipients, consultants, and contractors on the basis of race, color, national origin, sex, age, or disability may bring forth a complaint of discrimination under federal non-discrimination laws .

Time Limitation and Filing Options. Title VI complaints of discrimination may be filed with:

- SCEC
- Maine Department of Agriculture, Conservation & Forestry
- Maine Department of Environmental Protection
- Maine Department of Health and Human Services
- Maine Department of Marine Resources
- Maine Department of Transportation
- Maine Office of Community Affairs
- Finance Authority of Maine
- U.S. Department of Agriculture
- U.S. Department of Commerce
- U.S. Department of Defence
- U.S. Department of Environmental Protection
- U.S. Department of Health and Human Services
- U.S. Department of the Interior
- U.S. Department of Transportation
- U.S. Department of the Treasury

In all situations, SCEC employees must contact the Civil Rights Officer immediately upon receipt of a Title VI complaint.

Time Limitation and Filing Options. Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

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 the event a person makes a verbal complaint of discrimination to a SCEC employee, the Civil Rights Officer or other person authorized to receive complaints on behalf of SCEC, shall interview the person. If necessary, the authorized person will assist the person in writing the complaint for the person or the person's representative to sign. The SCEC Civil Rights Officer should be contacted at: Charles Rudelitch, SCEC Civil Rights Officer; 7 Ames Way Machias, ME 04654; 207-255-0983 or equalopportunity@sunrisecounty.org

Complaint Processing - Initial Contact

The Civil Rights Officer or their designee will provide complainants with:

- An explanation of their filing options;
- The discrimination complaint process; and
- A Title VI and Related Statutes Discrimination Complaint Form.

Use of the complaint form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

The Complaint Review Process

- 1. Review of Complaint.** The Civil Rights Officer or their designee reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and falls within the agency's jurisdiction.
- 2. Investigation Required.** The complaint shall be investigated unless:
 - The complaint is withdrawn.
 - The complainant fails to provide required information.
 - The complaint is filed beyond the 180-day timeframe.
 - The complainant is not part of a protected group.
 - The complaint is determined to be more appropriately under a jurisdiction other than SCEC. If this is the case, the complainant will be directed to the appropriate agency.
- 3. Letter.** Upon determination that the complaint warrants SCEC investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
- 4. Notification of Respondent.** The respondent – the person alleged to have committed the discrimination – is notified by mail that they have been named in a complaint. The letter also includes the investigator's name and informs the respondent that they will be contacted for an interview.

Investigation Plan

The investigator shall prepare a written plan which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that they have been discriminated against;
- Information needed to address the issue;
- Criteria, sources necessary to obtain the information;
- Identification of key people;
- Estimated investigation time line; and
- Remedy sought by the complainant(s).

Conducting the Investigation

- An appropriate, prompt, and fair investigation of allegations filed will be conducted, and a preponderance of the evidence standard will be applied during analysis of the complaint.
- The investigator may interview witnesses and review any physical or written evidence.
- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- A chronological contact sheet is maintained in the case file throughout the investigation.

Investigation Reporting Process

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Civil Rights Officer or their designee for review.
- The Civil Rights Officer or designee reviews the file and investigative report. Subsequent to the review, the Civil Rights Officer makes a final determination of “probable cause” or “no probable cause” and prepares the final decision letter.

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and the Civil Rights Officer’s final decision letter, is forwarded to the relevant Maine and/or federal agency within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained on a confidential basis. Records are kept for three years.

Appeals

Complainants who are not satisfied with the Civil Rights Officer’s determination as to whether or not there is probable cause that discrimination has occurred, or the steps SCEC is taking to resolve the complaint, may appeal within fifteen (15) calendar days to the Maine Human Rights Commission, #51 State House Station, 19 Union Street, Augusta, Maine 04333 and/or to the Civil Rights Offices of the Maine and federal agencies listed herein.

SCEC is prohibited from retaliating or intimidating against any member of the public who files a complaint under these procedures, and any retaliation/intimidation will be handled promptly under the same discrimination investigation procedures, if it occurs.

What Happens to the Complaint after it's Filed?

1. **Review of Complaint.** The Civil Rights Officer or their designee reviews your complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and falls within the agency's jurisdiction.
2. **Investigation Required.** Your complaint shall be investigated unless:
 1. You withdraw the complaint.
 2. Your complaint fails to provide required information.
 3. Your complaint is filed beyond the 180-day timeframe.
 4. You are not part of a protected group.
 5. Your complaint is determined to be more appropriately under a jurisdiction other than SCEC. If this is the case, you will be directed to the appropriate agency.

You must make yourself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

3. **Letter.** Upon determination that the complaint warrants SCEC investigation, you will be sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
4. **Notification of Respondent.** The respondent – the person alleged to have committed the discrimination – will be notified by mail that they have been named in a complaint.
5. **Agency Investigation.** SCEC's Civil Rights Officer will conduct an investigation.
 1. The Civil Rights Officer or their designee may also interview witnesses and review any physical or written evidence.
 2. An appropriate, prompt, and fair investigation of allegations filed will be conducted, and a preponderance of the evidence standard will be applied during the analysis of the complaint
 3. The investigation will address only those issues relevant to the allegations in the complaint.
 4. Confidentiality will be maintained as much as possible.
 5. Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
 6. Within forty (40) days of receiving the complaint, the Civil Rights Officer 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 about which the complaint was submitted; or
 - A letter of finding summarizing the allegations and the investigation of the alleged complaint and explaining any remedial action to be taken by SCEC.

What if I am not satisfied with the Outcome?

If you are not satisfied with the agency's determination as to whether or not there is probable cause that discrimination has occurred, or if you are dissatisfied with the steps the agency is taking to resolve your complaint, you may appeal within fifteen (15) calendar days to the Maine Human Rights Commission, #51 State House Station, 19 Union Street, Augusta, Maine 04333.

Annual Review Required

SCEC shall review these Title VI Complaint Procedures annually to update contact information as needed and make any other needed changes.

Data Collection and Reporting

SCEC shall collect and maintain, and if requested by a federal agency, provide the following data:

- A brief description of any lawsuits pending against SCEC that allege discrimination prohibited by the federal non-discrimination laws;
- Racial/ethnic, national origin, age, sex, and disability data submitted with its application (such as EPA Form 4700-4 information);
- A log of discrimination complaints which identifies the complaint, the date it was filed, the date the recipients investigation was completed, the disposition, and the date of disposition; and
- Reports of any compliance reviews conducted by any other agencies

Notice of Non-Discrimination

The Sunrise County Economic Council does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and the Sunrise County Economic Council does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

The Sunrise County Economic Council (SCEC) hereby gives the public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the “federal non-discrimination laws”). The federal nondiscrimination laws prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice regarding SCEC and its programs, has the right to file a formal complaint with SCEC. Any such complaint must be in writing and submitted to SCEC’s Civil Rights Officer within one hundred eighty (180) days following the date of the alleged occurrence. For more information about this notice, request language or disability assistance, or to file a complaint about discrimination, retaliation, or intimidation, please contact:

Charles Rudelitch
SCEC Civil Rights Officer
7 Ames Way
Machias, ME
04654
207-255-0983
equalopportunity@sunrisecounty.org

Appendix A

DISCRIMINATION COMPLAINT FORM
Sunrise County Economic Council
Title VI and Related statutes

1. Name: _____
2. Address: _____
3. Telephone Number: _____
4. Name of person charged with discrimination (respondent): _____
5. Date of alleged discriminatory act: _____
6. Type of discrimination: _____
7. Please write a summary of the facts supporting your complaint (use additional pages as necessary): _____

8. Names of witnesses to the alleged discriminatory act: _____

9. What do you want as a remedy for the alleged discrimination? _____

Signed: _____

Date: _____

Submit the completed form along with all supporting materials in person or by mail to the address below:

Charles Rudelitch
Civil Rights Officer
Sunrise County Economic Council
7 Ames Way
Machias, ME 04654