Attachment B

Title VI and ADA Discrimination Complaint Procedures

Introduction

The Columbiana County Port Authority has established this "Complaint of Discrimination" Procedure as a mechanism for the review and resolution of allegations of discrimination. These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA), which prohibit discrimination based on race, color, national origin, and disability in any program or activity administered by the Columbiana County Port Authority or its sub-recipients, consultants, and/or contractors. Retaliation or intimidation of any kind is also prohibited by law.

These procedures do not negate or limit the right of the complainant to file formal complaints with other state or federal agencies. These procedures are part of an administrative process that does not provide for remedies such as compensatory damages for the complainant.

The Columbiana County Port Authority serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. The Columbiana County Port Authority is located in Lisbon, Ohio. The Title VI Coordinator is responsible for conducting counseling and investigations of alleged incidents of discrimination. The complainant, the individual making a complaint, is advised of his/her/their rights under State and Federal laws and is given a copy of this procedure.

Complaint Basis

Allegations must be based on issues involving race, color, national origin, or disability. The term "basis" refers to the complainant's protected group status. A Protected Group is a group of people with common characteristics who are legally protected from discrimination based on that or those characteristic(s).

Protected Group categories and definitions relevant to this procedure:

Category	Definition	Example
Race	The perception based on physical characteristics that a person is a member of a racial group.	Black, White, Native American/Indian
Color	The color and/or shade of skin within a racial group.	Black, white, dark or light brown, etc.
National Origin	A group of people who share a common language, culture, ancestry and/or other social characteristics. Includes discrimination based on heritage or country of original citizenship. Also includes discrimination based on language or accent.	Cuban, Vietnamese, Mexican
Disability	A disability is an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.	An individual with a visual impairment, or who uses a mobility device like a wheelchair

Complaint Process

Any individual or group of individuals who believe that he/she/they have been subjected to discrimination prohibited by Title VI and ADA nondiscrimination procedures based on race, color, national origin (including Limited English Proficiency), or disability may file a written complaint with the Columbiana County Port Authority Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

The complaint must meet the following requirements:

- Be made in writing to the Columbiana County Port Authority, 7860 Lincole Place, Lisbon, Ohio 44432, or submitted electronically to ccpa@ccpa-ohioriver.com;
- External filing options are available by submitting a complaint in writing to the United States Maritime Administration Office of Civil Rights, West Building, 2nd Floor MAR-130, 1200 New Jersey Avenue, SE, Washington, DC 20590, or electronically to civilrights.marad@dot.gov;
- Be submitted on the “Title VI and ADA Discrimination Complaint Form” and signed by the complainant(s);
- Include the full name and address(es) of the complainant(s);
- Include the date(s) of the alleged act(s) of discrimination;
- Include the full name(s), job title(s), and work address(es) of the accused party(ies), if known;
- Include a detailed description of the alleged act(s) of discrimination, specifying all issues and circumstances of the alleged discrimination;
- Identify the basis of the complaint (i.e., race, color, national origin, LEP, or disability); and
- Include the name(s), address(es), and telephone number(s) of any person who may have knowledge of the alleged incident.

For complaints to be accepted, they must be filed within 180 days of the alleged act of discrimination, meet the above procedures for filing, and allegations must be based on issues pertaining to race, color, national origin (including Limited English Proficiency), or disability.

A complaint may be dismissed if the complainant requests the withdrawal of the complaint; the complainant does not respond to requests for information on or before the date indicated in the request; or the complaint is not timely filed.

In cases where a complainant cannot provide a written complaint, assistance will be provided by the Columbiana County Port Authority. However, all complaints must be signed by the complainant or his/her/their legal designee.

A signature provided by a legal designee must be accompanied by written permission from the complainant.

Complaint Investigation

Following the receipt and review of the complaint, the Title VI Coordinator for the Columbiana County Port Authority or a designee will issue a letter acknowledging receipt of the complaint.

1. The accused party(ies) will be notified that a complaint has been filed against him/her/them within ten (10) days of accepting the complaint. When applicable, the accused party(ies) is/are advised of his/her/their right to representation by the union or any other appropriate representative of his/her/their choice.

2. Barring extenuating circumstances outside of the investigator's control, the investigator will conduct a fact-finding investigation and provide a resolution, if one is possible, within ninety (90) business days of receipt of the complaint and notify all involved parties in writing whether there was a violation of Title VI. This will include notification to the complainant of his/her/their right to appeal the results to the Columbiana County Port Authority.

3. All investigation findings will be reported to the Title VI Coordinator or his/her/their designee.

4. Should the complainant elect to appeal the decision, he/she/they must do so in writing to the Columbiana County Port Authority within ten (10) business days after receipt of the complaint resolution proposed by the Title VI Coordinator or investigator designee. Failure to appeal within this period shall be interpreted as acceptance of this resolution.

5. The Title VI Coordinator or his/her/their designee will review the case to determine what, if any, additional information is needed. If additional information is required from the appellant, he/she/they will be provided reasonable advance notice of a meeting and will be advised of his/her/their right to present relevant information at that time.

6. The Title VI Coordinator or his/her/their designee will render a written decision regarding the appeal, no later than thirty (30) business days from the date of the filing of the appeal, which will be sent to the appellant. Should this decision differ from the findings of the investigation, it will also be sent to all parties involved. The decision of the Title VI Coordinator or his/her/their designee is final. However, this does not preclude the complainant from pursuing other means of resolution under federal and/or state law.

7. All records of complaints and dispositions thereof shall be maintained and regularly reviewed by the Title VI Coordinator, who will pay particular attention to the detection of any patterns in the nature of the complaints. All such records shall be retained on a strictly confidential basis, except where disclosure is required by law.

Please find the complaint form by visiting https://www.ccpa-ohioriver.com/title-vi