



Title VI

Non-Employee Discrimination Complaint Procedure

If you believe you have been excluded from participation in, been denied the benefits of, or been subjected to discrimination, on the basis of race, creed, color, national origin, age, sex, disability, marital status, source of income, gender, gender identity or expression, sexual orientation, or retaliation under any City of Rochester service, program or activity, you may file a discrimination complaint with the City's Non-Discrimination Coordinator (hereinafter Coordinator).¹

This document outlines the complaint procedures relating the City's provisions of programs and services. The Coordinator shall be responsible for the coordination and oversight of these procedures. The Coordinator will receive and review complaints, communicate with complainants and respondents, investigate complaints or arrange for the investigation of complaints, issue letters and notices, and perform other actions necessary to fulfill the City's obligations under nondiscrimination statutes.

If a discrimination complaint about a City program or service cannot be resolved informally, the complainant may file a complaint with the Coordinator using the below procedures.

1. The complaint must be submitted to the Coordinator no later than 180 days after the date of the alleged discrimination.

2. A Non-Employee Discrimination Complaint Form can be obtained by calling 311 or by downloading the form from the City website at: www.cityofrochester.gov. The following information is required on the complaint form, or you may submit a signed written statement that contains all of the following written information:

- a. Your name, address and how to contact you (phone number, email address etc.)
- b. The basis of the alleged discrimination (race, color, sex, national origin, age or disability).
- c. The date or dates on which the alleged discriminatory event or events occurred.
- d. A statement that describes how, why, when and where you believe you were excluded from participation in, were denied the benefits of, or were subjected to discrimination.
- e. Include the location, names and contact information of any witnesses.
- f. If a complaint has been filed with another agency or court, include the agency or court where it was filed with a contact name.
- g. You or your designee must sign your letter of complaint.

3. If the complainant is unable to write a complaint, the Coordinator should be contacted for assistance. The City of Rochester is committed to providing open access to its services to persons with limited ability to speak or understand English; if requested by the complainant, the Coordinator will arrange language translation services.

¹ Applicable federal laws prohibit discrimination on the bases of the protected classes of race, color, national origin (including limited English proficiency), sex, age, and disability. Rochester Municipal Code §63, also includes as protected classes, creed, marital status, source of income, gender, gender identity or expression, and sexual orientation.



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4. The signed and dated complaint should be sent to the following address:

City of Rochester
Department of Human Resource Management
Attn: Non-Discrimination Coordinator
30 Church Street, Room 103A
Rochester, NY 14614
Telephone: (585) 428-6509
E-mail: Rose.Nichols@cityofrochester.gov

5. A letter acknowledging receipt of the complaint will be issued to the complainant within five (5) business days of its receipt by the Coordinator.
6. If the complaint is outside of the jurisdiction of the City, within ten (10) business days after receipt of the complaint the Coordinator will notify the complainant of the City's lack of jurisdiction to address the complaint. The complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.
7. Complaints, within the City of Rochester's jurisdiction, will be investigated promptly and impartially; a preponderance of the evidence standard will be applied to the complaint investigation. Reasonable measures will be taken to preserve any information that is confidential. At a minimum, the investigation will:
 - a. Identify and review all relevant documents, practices, and procedures.
 - b. Identify and interview persons with knowledge of the alleged discrimination—for example, the person making the complaint, witnesses, or anyone identified by the complainant, anyone who may have been subjected to similar activity, or anyone with relevant information.
8. The Coordinator will review the complaint and may solicit additional information from the complainant. If the additional information is requested and not received within thirty (30) days, the case may be closed. The case may be closed if the complainant no longer wishes to pursue the case.
9. The Coordinator will also provide the respondent(s), such as a subrecipient of federal funds, an opportunity to respond in writing to the allegations in the complaint, along with providing any relevant documents, and names of persons with relevant knowledge.
10. Upon completion of the investigation, the Coordinator will prepare a final report for the Mayor or the Mayor's designee. The investigation process and final report should be completed within 90 days of receipt of the complaint. When a Title VI violation is found to exist, corrective action will be taken immediately. The complainant and respondent will receive a copy of the final report with all required corrective actions.
11. Any person who files a complaint or testifies, assists, or participates in a discrimination complaint investigation, proceeding or hearing may not be intimidated or retaliated against by the City for the purpose of interfering with any right or privilege guaranteed by the Civil Rights Act of 1964, Section 504, or other civil rights statutes.
12. 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.