



Town of Apex External Discrimination Complaint Instructions

INTRODUCTION

The Town of Apex is responsible for processing discrimination complaints filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws. Participants and beneficiaries of programs and activities administered or funded by the Town of Apex who feel they have been discriminated against based on race, color, national origin, limited English language proficiency, income-level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, or disability have a right to file a complaint. Complaints of alleged discrimination will be investigated by the appropriate authority, such as the External Civil Rights Compliance Office (ECR), a federal agency.

Note: Religion is only covered under NCDOT's Right of Way program (Fair Housing) and programs funded by the Federal Aviation Administration (FAA) or Federal Transit Administration (FTA).

FILING OF COMPLAINTS

1. **Applicability** – These complaint procedures apply to Town of Apex programs, activities, and services. Note: Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).
2. **Eligibility** – Any person or class of persons who believes they have been subjected to discrimination based on race, color, national origin, limited English language proficiency, income level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, or disability (and religion, where applicable) may file a written complaint with the Town of Apex's Title VI Coordinator. The law also prohibits intimidation or retaliation against anyone who files a complaint.
3. **Filing Options and Time Limits** – Complaints may be filed by the affected individual(s) or a representative and should be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest or the latest instance of the conduct.

Title VI and related discrimination complaints may be submitted to the following entities:

- **Town of Apex**, Title VI Program Coordinator, P.O. Box 250 Apex, NC 27502, 919-249-3400
- **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights, 1511 Mail Service Center, Raleigh, NC 27699-1511, 919-508-1808 or toll-free 800-522-0453.
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590, 202-366-4070
 - **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC, 20590, 202-366-0693/202-366-0752
 - **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
 - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **Federal Motor Carrier Safety Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591, 202-366-8810

- **Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, SC 2591, 202-267-3258
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll-free 877-218-5228

4. **Format for Complaints** – Complaints must be in writing, using the Town of Apex Discrimination Complaint Form, and signed by the complainant(s) or a representative, and include the complainant’s name, address, and telephone number. Complaints may be submitted by mail or fax. Complaints will be accepted in other languages, including Braille. Electronic copies of this form are available on the Town website, and physical copies can be collected at Town Hall. (See Discrimination Complaint Form included below.)
5. **Complaint Basis** - Allegations must involve issues of discrimination based on race, color, national origin, limited English language proficiency, income level, sex, pregnancy, sexual orientation, gender identity or expression, age, National Guard or veteran status, or disability (and religion, where applicable). Note: Religion (or creed) is only protected under Right of Way, Public Transportation, and Aviation programs.

Protected Categories	Definition	Examples (non-exhaustive)	Pertinent Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latinx, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White, etc.	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; (Executive Order 13166)	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B; (Executive Order 13166)
Color	Color of skin, including shade of skin within a racial group	Black, white, brown, yellow, etc.		
National Origin (Limited English Proficiency)	Place of birth. Citizenship is not a factor. (Discrimination based on language or a person’s accent is also covered.)	Mexican, Cuban, Japanese, Vietnamese, Chinese, Russian, French, etc.		
Income level	An individual or household determined to be low-income	Poverty status	Executive Order 12898	
Sex	The biological sex of an individual. Note: Sex under this program does not include sexual orientation.	Women and men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Sexual Orientation	A person's identity in relation to the gender or genders to which they are sexually attracted; the fact of being gay, lesbian, bisexual, etc.	Lesbian, gay, bisexual, asexual, queer, polysexual, pansexual, etc.	Title VII of the Civil Rights Act of 1964 Federal Transit Laws (49 U.S.C. § 5332)	
Gender Identity or expression	One’s self-identification and/or expression as male, female, or gender non-conforming, which may or may not correspond to the sex assigned at birth	Male, female, genderqueer, non-binary, etc.	Title VII of the Civil Rights Act of 1964 (see Bostock v. Clayton County, Georgia)	
Pregnancy	A person in whose womb or uterus a fetus is developing, encompassing the period from implantation through childbirth	Pregnant person	Governor’s 2017 EO 24	

National Guard or Veteran Status	A person who has served in the military, naval, or air service, and who was discharged or released under honorable conditions (U.S.C. § 101(2))	U.S. Air Force veteran, former U.S. Marine, etc.	Governor's 2017 EO 24
Age	A person of any age	21 year old person, 60 year old person, etc.	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, real or perceived	Blindness, deafness, mobility impairment, cancer, epilepsy, diabetes, arthritis, etc.	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Religion	Creed. An individual belonging to a religious group; or the perception, based usually on distinguishable characteristics that a person is a member of a religious group	Muslim, Christian, Sikh, Hindu, etc.	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332 (FTA)

COMPLAINT RECEIPT AND RESPONSE

1. The Town of Apex's Title VI Coordinator will provide written acknowledgement via registered mail of your complaint within ten (10) calendar days.
2. The Town of Apex will review your complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.
 - a. If the complaint is complete and no additional information is needed, the Town of Apex's Title VI Coordinator will send you a letter of acceptance as well as a Complainant Consent/Release Form.
 - b. If the complaint is incomplete, you will be contacted in writing to obtain the needed information. Note: Failure to respond and/or provide the requested information within 15 calendar days may be considered good cause for a determination of no investigative merit.
3. Within fifteen (15) calendar days of receiving your complaint, the Town of Apex will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Town of Apex will notify you and Respondent (the person(s) against whom you have filed the complaint) via registered mail, stating the decision.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reasons for the decision.
 - b. If the decision is to investigate the complaint, the notification shall state the grounds of the Town's jurisdiction and require your and the Respondent's full cooperation in assisting the investigator.
 - c. Interviews may be recorded during the investigation. Consent to record may be required if the interviewee is located outside of North Carolina.
4. The Town of Apex will attempt to resolve all discrimination complaints within 60 days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and Town of Apex staff may be utilized for resolution.