

Attachment A

Public Notice of Non-Discrimination Rights

The Port of Harlingen gives public notice of its policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities. Title VI and related nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding Port of Harlingen Title VI and ADA Program can contact Amy Lynch at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination based on race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be submitted in writing within 180 days of the date of the alleged occurrence to:

Port of Harlingen
Amy Lynch
24633 E. Port Rd.
Harlingen, TX
(956) 423-0283
amy@portofharlingen.com

A complainant may also file a complaint directly with the Maritime Administration by emailing civilrights.marad@dot.gov or mailing a written complaint to:

United States Maritime Administration
Office of Civil Rights
West Building, 2nd Floor MAR-130
1200 New Jersey Avenue,
SE Washington, DC 20590

Non-Discrimination Policy Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color and national origin in programs and activities that receive federal financial assistance.

The Port of Harlingen is committed to compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and all related federal statutes, regulations and Executive Orders. In accordance with these requirements, the Port of Harlingen commits to administer its programs, services and program activities without regard to race, color, national origin, sex, age, or disability, including income-level and persons who are Limited English Proficient (LEP) as required by the nondiscrimination provisions of 49 CFR Part 21, 49 CFR Part 25, 49 CFR Part 27, and the DOT Standard Title VI Assurances and Non-Discrimination Provisions. The Port of Harlingen will take reasonable steps to provide access to its services to people with disabilities and those with Limited English Proficiency (LEP).

The Port of Harlingen will make every effort to ensure that all its recipients of federal funds comply with the non-discrimination provisions of its Title VI/ADA Program. The Port of Harlingen further certifies that all its programs will be administered in accordance with these provisions.

Any person who believes that he/she individually or as a group has been subjected to discrimination prohibited by this policy may file a complaint within one hundred and eighty (180) days of the alleged discriminatory conduct. Requests for additional information must be sent to (or complaints must be filed with) the Port of Harlingen, or via email at amy.portofharlingen.com.

Port of Harlingen employees and affected personnel are directed to coordinate with Amy Lynch to ensure the effective implementation of DOT Title VI and ADA requirements.

This policy will be distributed annually to all employees and posted on Port of Harlingen website and bulletin boards. Upon request, this policy will be made available in a language other than English and in alternative formats. Port of Harlingen compliance with the nondiscrimination requirements of the Title VI program and the ADA will be monitored by Director of Public Relations and Marketing.

Amy Lynch

Name of Recipient

by _____
Signature of Authorized Official

Dated: _____

Attachment B

Title VI and ADA Discrimination Complaint Procedures

Introduction

The [Port of Harlingen](#) 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 [Port of Harlingen](#) 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 [Port of Harlingen](#) serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. [The Port of Harlingen](#) is located in [Harlingen, Texas](#). [The Port of Harlingen](#) is responsible for conducting counseling and investigations of alleged incidences of discrimination. The complainant, the individual making a complaint, is advised of his/her 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.

Title VI/ADA Complaint Procedure

Page 2 of 3

Complaint Process

Any individual or group of individuals who believe that he/she or they have been subjected to discrimination prohibited by Title VI and ADA nondiscrimination procedures based on race, color or national origin (including Limited English Proficiency) or disability may file a written complaint to the Port of Harlingen. 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 in that it must:

- Be made in writing or submitted electronically to amy@portofharlingen.com;
- 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 (specify all issues and circumstances of the alleged discrimination);
- Identify the basis of the complaint (i.e. race, color, national origin, LEP, 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 or national origin (including limited English Proficiency).

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 Amy Lynch. However, all complaints must be signed by the complainant or its 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 Port of Harlingen 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 30 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.

Title VI/ADA Complaint Procedure

Page 3 of 3

2. Barring extenuating circumstances outside of the investigators 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 Port of Harlingen.
3. All investigation findings will be reported to the Director of Public Relations and Marketing or his/her/their designee.
4. Should the complainant elect to appeal the decision, he/she/they must do so in writing to the Board of Commissioners within ten (10) business days after receipt of the complaint resolution proposed by the Port of Harlingen or investigator designee. Failure to appeal within this period shall be interpreted as acceptance of this resolution.
5. The Board of Commissioners 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 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 Board of Commissioners 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 and the Director of Public Relations and Marketing Specialist. **The decision of the Board of Commissioners or his/her/their designee is final.** However, 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 Director of Public Relations and Marketing 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

Attachment C
TITLE VI & ADA COMPLAINT FORM

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
[] Race [] Color [] National Origin [] Disability				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				

Section IV		
Have you previously filed a Title VI or ADA complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply: <input type="checkbox"/> Federal Agency: _____ <input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____ <input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Port of Harlingen / Director of Public Relations and Marketing Specialist
 24622 E. Port Road
 Harlingen, TX 78550

Attachment D

LIST OF TITLE VI AND ADA INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin, or disability)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				