

Title VI and ADA Discrimination Complaint Procedures

Introduction

The following “Complaint of Discrimination” Procedures are a mechanism for the review and resolution of allegations of discrimination by Diamond State Port Corporation (“DSPC”). **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 DSPC 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.

DSPC, serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. DSPC’s mailing address is:

Diamond State Port Corporation
P.O. Box 8600
Wilmington, DE 19899
Attn: Title VI Compliance

DSPC 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.

Complaint Process

Any individual or group of individuals who believes 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 with DSPC. 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 to Diamond State Port Corporation, P.O. Box 8600, Wilmington, DE 19899, Attn: Title VI Compliance;
- 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, limited English proficiency, 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 DSPC. 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, DSPC 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 10 business days of DSPC's receipt of the complaint.
2. DSPC 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, to the best of its knowledge, after reasonable due inquiry and due diligence, there was a violation of Title VI.
3. **The decision of DSPC is final.** However, the decision does not preclude the complainant from pursuing other means of resolution under federal and/or state law.
4. All records of complaints and dispositions thereof shall be maintained and regularly reviewed by DSPC paying 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.