

# **The Kennedy Center, Inc.**

## **Title VI Compliance Procedures**

### **I. Kennedy Center Title VI Employee Training**

- A. It is the policy of The Kennedy Center, Inc. to provide equal employment opportunities and promote the means for accessibility to all persons without regard to race, color, religious creed, gender, sexual orientation, age, national origin, ancestry, marital status, veteran status or disability, including but not limited to blindness.
- B. All Kennedy Center employees will receive Title VI training during the new employee orientation/training, and the annual training program. Title VI training is a component of The Kennedy Center's Cultural Diversity training. This training is conducted monthly for new employees, and quarterly for current employees.

### **II. Kennedy Center Title VI dissemination to Clients and Constituents**

- A. It is the policy of The Kennedy Center to provide services to persons without regard to race, color, religious creed, gender, sexual orientation, age, national origin, ancestry, marital status, veteran status, or disability. As part of this policy, The Kennedy Center will actively elicit input from consumers, as well as, pursue and implement all necessary reasonable accommodations that affect employees, employment practices, consumers, services, and facilities.
- B. Consumers will receive Title VI training during their initial intake process, and during the consumer-training month of April. During the month of April, consumers will receive Title VI training from their Program Managers.
- C. Other constituents are referred to The Kennedy Center's website for Title VI information.

### **III. Kennedy Center monitors contractors/consultants/vendors for Title VI compliance**

- A. All contractors, vendors, and suppliers of goods and services to The Kennedy Center will be informed in writing of the agency's Affirmative Action and Title VI policy. Furthermore, they will be advised that The Kennedy Center will only do business with those who share this same commitment.
- B. The following statement will be included on purchase orders:  
"By accepting the order, vendor agrees and warrants that he does not discriminate against any individual or group, in hiring practices, upgrading, demolition, recruitment, termination or rates of pay, on the grounds of race, ancestry, color, religious creed, gender, sexual orientation, age, national origin, marital status, veteran status or disability, unless it is known that such disability prevents performance of the work involved."
- C. When contractor compliance has not been received, requests will be made by The Kennedy Center to all invested sources, for statements attesting to their compliance with Affirmative Action and Title VI.
- D. All other constituents can receive Title VI information through The Kennedy Center's website.

#### **IV. Kennedy Center Title VI Complaint Process**

- A. All Kennedy Center Title VI complaints will be filed in accordance with the following procedures:
1. Any person alleging to be grieved by a discriminatory practice may in person, or through legal representation, obtain a Title VI Complaint Reporting Form from The Kennedy Center website or the Human Resources Department. Any Title VI complaint must be filed within 180 days following the date of the alleged discriminatory action; or the date the Complainant became aware of the alleged discriminatory action.
  2. Fill out the form and file the complaint with The Kennedy Center's Title VI Coordinator. Alternatively, the Title VI Coordinator may complete the complaint report form and attach the complaint letter. Complaints received orally or by telephone will be converted to writing and provided to the Complainant for confirmation, revision and signature before processing. Signed allegation of discrimination received by facsimile or email will be acknowledged and processed.
  3. Complaints must be in writing, signed by the Complainant or their legal representative, and include the Complainant's name, address, and telephone number. Complaints shall explain fully as possible the facts and circumstances surrounding the alleged discriminatory action, and identify the individual (s) responsible for the alleged discriminatory action.
  4. The Title VI Coordinator will review the complaint to ensure that it is the appropriate Title VI jurisdiction. If the complaint does not fall within the parameters of Title VI, then the Title VI Coordinator will redirect the complaint through The Kennedy Center's Formal Complaint and Appeal Procedure.
  5. If the complaint conforms to Title VI standards, the Title VI Coordinator will ensure that the required information is provided, and that the complaint is timely and within the appropriate jurisdiction. The complaint will be accepted unless: it is withdrawn, is not filed timely, or the complainant fails to provide the required information after a written follow-up request for the missing information. The complaint investigation will be completed within 40 days of the day of receipt.
  6. Once a Title VI complaint has been confirmed, The Title VI Coordinator will submit a letter to ConnDOT as notification that a Title VI complaint is under investigation.
  7. The Title VI Coordinator will conduct a Title VI investigation utilizing a Kennedy Center Title VI Complaint Investigation Report. Upon completion of the investigation, the Title VI Coordinator will present the results and any corrective recommendations of the investigation to The Kennedy Center President/CEO for approval.
  8. Upon the final approval of the President/CEO, the Title VI Coordinator will: implement any corrective actions that have been identified, log the investigation on the Title VI Complaint Log, and maintain all of the complaint and investigation forms for the Department of Transportation Annual Report Survey.
  9. Within 10 days of the President/CEO approval, the Title VI Coordinator will respond in writing to the Complainant with the findings of the investigation.

B. Complaints filed directly with ConnDOT:

1. Written complaints filed with the ConnDOT, in which The Kennedy Center is named as the Respondent, will be analyzed and investigated by ConnDOT. When The Kennedy Center is informed of the investigation by ConnDOT, it will conduct its own internal Title VI investigation. The Title VI Coordinator will forward a copy of the complaint, and a copy of the Title VI Complaint Investigation Report (within 60 days of the complaint date received from ConnDOT) to the FTA Civil Rights Coordinator.
2. A complaint log will be maintained for all complaints filed with and investigated by ConnDOT. ConnDOT notifies the Respondent that they have been named in a complaint. The notification letter will indicate the Investigator's name and inform the Respondent that they will be contacted for an interview. The complaint investigation will be completed within 40 days of the day of receipt.

C. Complaints filed directly with FTA:

1. Written complaints filed with the FTA, in which The Kennedy Center is named as the Respondent, will be analyzed and investigated by FTA. When The Kennedy Center is informed of the investigation by FTA, it will conduct its own internal Title VI investigation. The Title VI Coordinator will forward a copy of the complaint, and a copy of the Title VI Complaint Investigation Report (within 60 days of the complaint date received from ConnDOT) to the FTA Civil Rights Coordinator.
2. A complaint log will be maintained for all complaints filed with and investigated by FTA. FTA notifies the Respondent that they have been named in a complaint. The notification letter will indicate the Investigator's name and inform the Respondent that they will be contacted for an interview. The complaint investigation will be completed within 40 days of the day of receipt.

D. Complaints filed against ConnDOT:

1. Written complaints filed with ConnDOT, in which ConnDOT is named as the Respondent, will be forwarded to the Federal Transit Administration (FTA) for processing. FTA will analyze the allegations and the Complainant will be notified by FTA of the status of the complaint.

**V. The Kennedy Center's Title VI investigation process**

A. Investigation

An investigation is an official inquiry for the purpose of determining whether there has been a violation of the laws or statutes and includes a determination of appropriate relief where a violation has been found. An investigation requires an objective gathering and analysis of the evidence, which will ensure that the final decision is as accurate as possible.

B. Role of the Investigator

The investigator is a neutral party provided by the agency to conduct an investigation of the issues raised in a complaint. The investigator's behavior, demeanor, and attitude reflect the agency and may affect the degree of cooperation received from the parties. The investigator has an obligation to identify and obtain relevant evidence from all available sources in order to resolve all of the issues under investigation. **The investigator is not an advocate for the complainant or the respondent.** The investigator is a neutral fact finder.

### C. Responsibilities of the Investigator

The investigator must:

- Never express his/her opinion
- Never tell the parties that the complaint represents a good case or that the complaint is frivolous
- Always remain neutral. **DO NOT TAKE SIDES**
- Write the facts, and state what the facts are, based upon the evidence of testimony
- Decide who is to be interviewed. If the Complainant or the respondent is adamant about a witness interview, perform the interview
- Decide when sufficient evidence has been gathered to begin writing the investigative report
- Always remain professional and polite
- Be a good listener

D. The investigative process includes the following:

- Investigative Report
- Request for information
- Conducting interviews
- On-site visit
- Obtain evidence
- Analyze data
- Writing the Investigative Report

### E. Investigative Report

The Investigative Report is a working document intended to define the issues and provide a roadmap to complete the investigation. It is also an internal document for use by the Investigator and his/her supervisor to keep the investigation on track and focused on the issues. It is the Investigator's checklist, and following elements should be contained in an Investigative Report.

- Complainant(s) name and address/Attorney for Complainant with name and address
- Respondent(s) name and address/ Attorney for Respondent with name and address
- Applicable Law (e.g. Title VI, Title VII)
- Basis
- Issue(s)
- Background
- Name of person(s) to be interviewed, including questions for the Complainant, Respondent, and Witness(es)
- Evidence to be obtained during the investigation

### F. Request For Information

A request for information (RFI) is sent to the appropriate official(s) at the Respondent's facility. Contact the Respondent to advise him/her of the complaint and to determine the appropriate officials to whom the RFI should be sent and eventually interviewed.

Prepare a cover letter to transmit the RFI. The cover letter should explain the process and provide information regarding any meetings that have been scheduled. Provide the RFI to the

Respondent prior to conducting the on-site visit. This will facilitate the availability of the evidence during the on-site visit.

#### G. Conducting interviews.

When preparing for the interview, the main objective is to obtain information from witnesses who can provide information that will either support or refute the allegations. A list of major questions will be prepared that address the issues involved in the complaint.

**COMPLAINANT-** The purpose of interview is to gain a better understanding of the situation outlined in the complaint of discrimination. The Investigator needs to contact the Complainant to ensure that investigator understands the Complainant's allegation(s). It is recommended that the Investigator interview the Complainant prior to preparing the investigation report. If it is not possible, be ready to make any changes as appropriate to the Investigation Report form, based upon any new information provided by the Complainant. Always inquire of the Complainant whether he/she desires to resolve the complaint.

**RESPONDENT** – Respondents are interviewed to provide an opportunity to respond to the allegations raised by the Complainant. Additionally, it provides the Investigator with an opportunity to understand the Respondent's operation or policies that the Complainant cites. As the keeper of the records, the investigator will need to discuss the investigation with the Respondent, and be able to explain the need for requesting any documentation on the investigators list. Inform the respondent that he/she has the right to submit a formal position statement addressing the Complainant's allegations. Question the Respondent regarding possible settlement opportunities.

**WITNESS** – Complainant or Respondent may request that additional persons are interviewed. Determine what relevant information, if any, a witness has to provide prior to conducting an interview. Only interview persons who have information relevant to the allegations raised in the complaint of discrimination.

#### H. On-Site Visit

An on-site visit will be conducted when:

- Personal contact with the Complainant and the Respondent may yield information and clarification that might not otherwise be discovered by only reviewing the written document or telephone contacts
- It is necessary to review the physical environment
- More effective communication can be established with representative and witnesses of the Complainant and Respondent
- Documentation can only be examined on-site for reasons of convenience, cost, format, or volume

#### I. Obtaining Evidence

Evidence request shall be related to the issues cited in the complaint. An evidence request may contain some or all of the following:

- The policies and procedures regarding the practice that the Complainant has alleged
- All documents relating to Respondent's dealing with Complainant in the situation described in the complaint
- Documents which exhibit how others, not in the Complainant's group, were treated under similar circumstances

- Respondent's reason for the action taken
- A formal position statement form Respondent addressing Complainant's allegations

The types of evidence include the following:

- Circumstantial Evidence- Includes facts from which may be inferred intent or discriminatory motive and proves intent by using objectively observable data
- Comparative Evidence- A comparison between similarly situated individuals
- Direct Evidence- Related to the Respondent's motive, it is defined as any statement or action by an official of the Respondent that indicates a bias against members of a particular party
- Documentary Evidence- Written material, which is generated during the course of normal business activity
- Statistical Evidence- Statistics, facts, or data of a numerical type, which are assembled, classified, and tabulated so as to present significant information about a given subject
- Testimonial Evidence- Evidence that is provided orally

#### J. Analyzing Data

Data will be analyzed to determine whether a violation has occurred. When analyzing data, you must:

- Review what happened to the Complainant
- Compare Complainant's treatment with the appropriate policies and procedures
- Compare Complainant's treatment with others in the same situation
- Review Respondent's reason(s) for the treatment afforded the Complainant
- Compare Respondent's treatment of the Complainant with the treatment afforded others

#### K. Writing the Investigative Report

The Investigative Report (IR) will contain the following sections:

- Complainant(s) name and address
- Respondent(s) name and address
- Applicable Law
- Basis
- Issues
- Findings for each issue with a corresponding conclusion for each issue
- Recommendations

### VI. The Kennedy Center's Title VI forms

- A. Title VI Discrimination Complaint Form
- B. Title VI Complaint Investigative Report
- C. Title VI Log
- D. Title VI Policy Statement
- E. Title VI Your Rights Notice