

Public Notice of Non-Discrimination Rights

The North Carolina State Ports Authority 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 the North Carolina State Ports Authority's Title VI and ADA Program can contact the Office of the General Counsel at the address noted below¹.

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:

North Carolina State Ports Authority
Office of the General Counsel
2202 Burnett Boulevard
Wilmington, NC 28401
Phillip.wells@ncports.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

¹ NCSPA is required to comply with applicable provisions of laws and policies prohibiting discrimination, including but not limited to: Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including limited English proficiency), Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability, Title XI of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities, Age Discrimination Act of 1975, which prohibits discrimination based on age, and U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

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 North Carolina State Ports Authority 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 North Carolina State Ports Authority 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 North Carolina State Ports Authority will take reasonable steps to provide access to its services to people with disabilities and those with Limited English Proficiency (LEP).

The North Carolina State Ports Authority 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 North Carolina State Ports Authority 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 North Carolina State Ports Authority, Office of the General Counsel at 2202 Burnett Boulevard, Wilmington, NC 28401 or via email at Phillip.wells@ncports.com.

North Carolina State Ports Authority employees and affected personnel are directed to coordinate with the North Carolina State Ports Authority, Office of the General Counsel or Human Resources Department to ensure the effective implementation of DOT Title VI and ADA requirements.

This policy will be distributed annually to all employees and posted on the North Carolina State Ports Authority website and bulletin boards. Upon request, this policy will be made available in a language other than English and in alternative formats. The North Carolina State Ports Authority compliance with the nondiscrimination requirements of the Title VI program and the ADA will be monitored by the North Carolina State Ports Authority, Office of the General Counsel.

North Carolina State Ports Authority
Name of Recipient

by Phillip Wells
General Counsel, North Carolina State Ports Authority

Dated: March 20, 2024

Title VI and ADA Discrimination Complaint Procedures

Introduction

The North Carolina State Ports Authority 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 North Carolina State Ports Authority 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 North Carolina State Ports Authority, Office of the General Counsel, serves as a resource for members of the public who wish to file a discrimination complaint under Title VI, ADA, and related statutes. The North Carolina State Ports Authority, Office of the General Counsel is located at 2202 Burnett Boulevard, Wilmington, NC 28401 and can be reached via email at Phillip.wells@ncports.com; it 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 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 North Carolina State Ports Authority, Office of the General Counsel at 2202 Burnett Boulevard, Wilmington, NC 28401 or via email at Phillip.wells@ncports.com. 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 Phillip.wells@ncports.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 the North Carolina State Ports Authority, Office of the General Counsel. 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 North Carolina State Ports Authority, Office of the General Counsel 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.

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.
3. All records of complaints and dispositions thereof shall be maintained and regularly reviewed by the General Counsel at North Carolina State Port Authority 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.

Sample Title VI & ADA Compliant 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):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> 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 or email this form to:

North Carolina State Ports Authority
Office of the General Counsel
2202 Burnett Boulevard
Wilmington, NC 28401
Phillip.wells@ncports.com

List of Title VI & ADA Investigations, Complaints, and Lawsuits

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin, or disability)	Status	Action(s) Taken
Investigations				
1. None.				
2.				
Lawsuits				
1. None.				
2.				
Complaints				
1. None.				
2.				

Notice of Reasonable Accommodations for Individuals with Disabilities

North Carolina State Ports Authority (the Authority) is committed to providing individuals with disabilities an equal opportunity to participate in and benefit from the Authority's programs, activities, and services. Individuals may request reasonable accommodations from the Authority that they believe will enable them to have such equal opportunity to participate in our programs, activities, and services. To request reasonable accommodations, contact the Authority's General Counsel, Phillip Wells, 910-746-6532, Phillip.wells@ncports.com.

FREQUENTLY ASKED QUESTIONS (FAQ)

The following FAQ provides information on requesting reasonable accommodations in the Authority's programs and activities.

1. What is a reasonable accommodation in the Authority's program? A reasonable accommodation is a change or modification to afford a qualified individual with a disability full enjoyment of the Authority's programs or activities, unless modifications of policies, practices, and procedures would fundamentally alter the nature of the program, service, or activity, or result in undue financial and administrative burdens to the Authority.
2. How do I request a reasonable accommodation? If you need a reasonable accommodation, please contact the Authority's General Counsel, Phillip Wells, 910-746-6532, Phillip.wells@ncports.com.
3. Does my request for a reasonable accommodation need to be in writing? No, you do not need to put your request in writing, however, making a written request can be helpful documentation for ensuring that the Authority provides the 2 desired accommodation. In addition, you do not need to use the specific words "reasonable accommodations" when making your request.
4. When should I request a reasonable accommodation? You may request a reasonable accommodation from the Authority at any time. However, making the request in advance of a meeting, conference call, or visit will help ensure that the Authority is able to fulfill the request for an accommodation. For certain requests, such as requests for sign language interpretation, the Authority requests at least two week's advance notice.
5. May someone request a reasonable accommodation on my behalf? Yes, anyone can request a reasonable accommodation on behalf of an individual with a disability who seeks to interact with the Authority staff or participate in its programs or activities.
6. What will the Authority do upon receiving my request for a reasonable accommodation? the Authority may contact you to obtain more information about your request and to better understand your needs. In addition, the Authority may review your request to determine:
 - Whether the requested accommodation will be effective in allowing you to participate in the activity or program in which you are seeking participation;
 - Whether the requested accommodation is reasonable, or an equally effective alternative to the requested accommodation is available; and

- Whether providing you with the requested accommodation would fundamentally alter the nature of the Authority's program or impose undue financial or administrative burdens on the Authority. In addition, in some cases, the Authority may consult with you in an interactive process to determine on a case-by-case basis what accommodations can be made. If the Authority determines that your requested accommodation would fundamentally alter the nature of the program or impose an undue financial or administrative burden, the Authority may deny your request. However, in the unlikely event that this occurs, the Authority will work with you to identify an alternative accommodation that allows you to effectively participate in the Authority's program, activity, or service.

7. May the Authority request medical documentation from you after receiving your request for a reasonable accommodation? No, the Authority may not request medical documentation after receiving your request for a reasonable accommodation. The Authority's questions will be limited to understanding the barrier to your ability to participate in the program or activity in which you are interested and the nature of an accommodation that will remove this barrier.

8. May the Authority charge you the cost of providing the reasonable accommodation? No, you are not responsible for the cost of an auxiliary aid or service the Authority provides to you.

What are some examples of reasonable accommodations? There are many types of reasonable accommodations. Some examples of how the Authority provides reasonable accommodations include:

- Arranging for qualified sign language interpreters
- Providing on-site captioning
- Producing alternate formats of print materials in braille, large print, or in an electronic format
- Providing remote conference captioning services
- Furnishing a temporary ramp to access the dais or other areas with one or more stairs to ensure accessibility for individuals who have physical disabilities and may be using a wheelchair or walker.

Meaningful access to programs and services to individuals with limited English proficiency (LEP).

Service Area: Morehead City

Languages Spoken by LEP Populations: Major language includes Spanish, 72 Spanish speakers speak English less than “very well” or 0.8% of the 9,164 population per US Census in 2024.

Languages Encountered Most Frequently at Points of contact: Badging office, main gate

Service Area: Wilmington

Languages Spoken by LEP Populations: Major language includes Spanish 3,429 Spanish speakers speak English less than “very well” or 1.6% of the 214,485 population per US Census in 2024..

Languages Encountered Most Frequently at Points of contact: Badging office, main gate

LANGUAGE ASSISTANCE MEASURES AND AVAILABLE RESOURCES

- Types of language services available include language app services and interpreters, if requested.
- Staff can obtain those services by contacting the Authority’s General Counsel, Phillip Wells, 910-746-6532, Phillip.wells@ncports.com.

DISTRIBUTION OF PLAN AND TRAINING FOR STAFF

The staff at the badging office and security officers at the main should know their obligations to provide meaningful access to information and services for LEP persons. Training should include everyone who interacts with the public, including receptionists, security guards, etc. The U.S. Department of Justice and other federal agencies, have developed series of videos that focus on communicating effectively with individuals with limited English proficiency in various contexts that the recipient may use in training its staff.

PROVIDING NOTICE TO LEP PERSONS

The Authority will inform LEP persons and populations of the availability of free language services, which may include, but are not limited to, public notices and flyers.

MONITORING, ASSESSING, AND UPDATING THE LEP PLAN

The Authority will review the LEP Plan every two years and update, as appropriate.