

DISCRIMINATION COMPLAINT PROCEDURES – HANDLING, TRACKING, RESOLVING, AND REPORTING INVESTIGATIONS/ COMPLAINTS

Any individual may exercise his or her right to file a complaint with Region Ten Community Services Board if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. Region Ten Community Services Board will make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures, as described below. All Title VI complaints and their resolution will be logged as described under "Data collection" and reported immediately

Should any Title VI investigations be initiated, or any Title VI lawsuits be filed against Region Ten Community Services Board, the agency will follow these procedures:

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, and the Civil Rights Restoration Act of 1987, relating to any program or activity administered by Region Ten Community Services Board, as well as to subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Compliance Officer may be utilized for resolution. The Title VI Compliance Officer will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

PROCEDURES:

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s).
 - c. The complaint should include:
 - the complainant's name, address, and contact information
 - date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - a description of the alleged act of discrimination
 - the location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - if known, the names and/or job titles of those individuals perceived as parties in the incident

- contact information for any witnesses
- indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)

d. The complaint shall be submitted to the Compliance Director at 500 Old Lynchburg Rd. Charlottesville, VA 22903.

e. Complaints received by any employee of Region Ten Community Services Board will be immediately forwarded to the Compliance Director.

f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the Compliance Director will assist the complainant in converting the verbal allegations to writing.

2. Upon receipt of the complaint, the Compliance Director will immediately: a. notify DRPT (no later than 3 business days from receipt) b. ensure that the complaint is entered in the complaint database

3. Within 3 business days of receipt of the complaint, the Compliance Director will contact the complainant by telephone to set up an interview.

4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.

5. If DRPT has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.

6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.

7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.

8. The investigation may also include: a. investigating contractor operating records, policies or procedures b. reviewing routes, schedules, and fare policies c. reviewing operating policies and procedures d. reviewing scheduling and dispatch records e. observing behavior of the individual whose actions were cited in the complaint

9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.

10. The Title VI Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.

11. At the conclusion of the investigation and within 60 days of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the DRPT, and, if appropriate, Region Ten Community Services Board's legal counsel.

12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of

the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DRPT in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.

13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. An interview cannot be scheduled with the complainant after reasonable attempts.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.

14. DRPT will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by Region Ten Community Services Board. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.
Transportation-Related Title VI Investigations, Complaints, and Lawsuit

NONDISCRIMINATION ASSURANCE TO DRPT

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, Region Ten submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting this assurance, Region Ten confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements