

GASTON CLEVELAND LINCOLN MPO: TITLE VI COMPLAINT PROCEDURES

INTRODUCTION

The complaint procedures outlined herein apply to the Gaston Cleveland Lincoln MPO (hereinafter referred to as the “MPO”) and other primary recipients and sub-recipients of State and Federal financial assistance. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, and other nondiscrimination authorities relating to any program, services, or activities administered by the Federal and State government and its sub-recipients (e.g., transit systems, MPOs, universities, and counties), consultants, and contractors. **NOTE:** The MPO will investigate transit related complaints only on the non-discrimination basis of race, color, and national origin.

The MPO will make every effort to obtain early resolution of complaints at the lowest level possible. Complaints of alleged discrimination will be investigated by the appropriate authority. The option of informal mediation meeting(s) between the affected parties and the Office of Civil Rights (OCR) staff may be utilized for resolution. Upon completion of each investigation, the OCR staff will inform every complainant of all avenues of appeal.

PURPOSE

The purpose of the discrimination complaint procedures is to describe the process used by the NCDOT for processing complaints under Title VI of the Civil Rights Act of 1964, related statutes and authorities.

FILING OF COMPLAINTS

1. **Applicability** – The complaint procedures apply to the beneficiaries of the MPO’s programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with the City of Gastonia’s Human Resources Department, and NCDOT’s Civil Rights Office. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI complaints may be submitted to the following entities:

- **The City of Gastonia**, ATTN: Glen Altman, Human Resources Department, P.O. Box 1748, Gastonia, NC 28053; 704-866-6861

- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
 - **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752
 - **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
 - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages including Braille.

5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category. Allegations against **transit** entities must be based on issues involving **only** race, color, or national origin.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Women and Men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

COMPLAINT NOTIFICATION

1. When a complaint is received, the Title VI Section will provide written acknowledgment to the Complainant, within ten (10) business days by registered mail.

2. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form.
3. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 30 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Within 15 business days from receipt of a complete complaint, the Title VI Section will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Title VI Section will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a) If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b) If the complaint is to be investigated, the notification shall state the grounds of the MPO's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
5. If the complaint is incomplete, the Complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 15 calendar days to respond to the request for additional information.
6. The Complainant will be notified that the MPO will attempt to resolve complaints within 180 days after the MPO has accepted the complaint for investigation.

