

COMPLAINT PROCEDURES - Title VI

Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes, Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA) may file a complaint.

Procedures

1. A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint, e.g., age, sex, race, color, national origin, or disability;
 - d. The identification of the respondent, e.g., agency/organization alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,
 - f. The date(s) of the alleged discriminatory act(s).
2. While the above indicates a complaint should be in writing and signed, ITD Office of Civil Rights will accept complaints in alternate formats from persons with disabilities, upon request. In addition, the following format options for filing a complaint are available:
 - a. By electronically submitting and digitally signing the Complaint Form, located at [Discrimination Complaint Form](#).
 - b. By printing out a copy of the form in Appendix E, filing it out, and signing and submitting it.
 - c. By calling the ITD OCR Program Manager/Title VI/Nondiscrimination Coordinator at (208) 334-8884. The manager will obtain the complaint information, he/she will complete the form, and subsequently ITD staff will forward the filled out complaint form to the complainant for review, signature, and then complainant must return the signed form back to ITD.
 - d. Upon request, the complaint form will be provided in additional formats such as braille or audio tape.

3. Complaints must be filed within 180 days of the last date of the alleged discrimination, unless the time for filing is extended (49 CFR 21.11 and 27.123). The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints. An extension may be granted under any of the following circumstances:
 - a. The complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the complaint was filed within 60 days after the complainant became aware of the alleged discrimination;
 - b. The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the complaint was filed within 60 days after the period of incapacitation ended;
 - c. The complainant filed a complaint alleging the same discriminatory conduct within the 180-day period with another Federal, State or local civil rights enforcement agency, and filed a complaint with DOT within 60 days after the other agency had completed its investigation or notified the complainant that it would take no further action;
 - d. The complainant filed, within the 180-day period, an internal grievance alleging the same discriminatory conduct that is the subject of the DOT complaint, and the complaint is filed no later than 60 days after the internal grievance is concluded;
 - e. Unique circumstances generated by DOT action have adversely affected the complainant;
 - f. The discriminatory act is of a continuing nature; or
 - g. Some complaints will be referred to USDOT by other agencies. In the event the referring agency has possessed the complaint for an inordinately long period of time and the complainant filed his or her complaint with that agency within the 180-day timeframe DOT will automatically grant an informal extension.
4. Upon receipt of a completed complaint, the OCR Program Manager/Title VI/Nondiscrimination Coordinator will determine jurisdiction, acceptability, or need for additional information and, within five days, and afterward acknowledge receipt of the complaint and the intended course of action.

ITD has authority to investigate and adjudicate complaints filed against its subrecipients. Once ITD finishes an investigation report, staff will forward a copy of the Report of Investigation (ROI) to FHWA within 60 days for review and concurrence before issuing any final decision. For complaints filed against ITD, it has 60 days to refer the complaint to the FHWA, Idaho Division for processing.

5. For acceptance, a complaint must be:
 - Filed timely
 - Involve a covered basis (i.e., race, color, national origin, age, sex, disability, LEP, or income status)
 - Within ITD's authority and jurisdiction.
6. Complaints may be dismissed if the complainant:
 - Requests the withdrawal of the complaint
 - Fails to respond to repeated requests for additional information
 - Fails to cooperate in the investigation
 - ITD staff cannot reach or contact the complainant they made reasonable attempts to contact the complainant.
7. ITD OCR maintains a confidential log of all accepted and/or forwarded Title VI Program Complaints which includes:
 - Name of complainant(s)
 - Date the complaint was received
 - Date of the allegation
 - Description of the alleged discrimination
 - Other relevant information, as needed
 - Report date
 - Recommendations
 - Outcome/Disposition.
8. Upon accepting a complaint, the OCR Program Manager/Title VI/Nondiscrimination Coordinator or assigned OCR investigator will:
 - Develop an investigation plan. It defines the basis(es) and issue(s). It contains information about the parties. It lists questions to ask and it outlines documents to be included in the investigation. This includes applicable law references. It includes the complainant, the accused, and any witness information. The plan should have a series of questions for the complainant, the accused, and any other witnesses.
 - Provide the accused an opportunity to respond to the allegations within 10 calendar days from the OCR's written notification to furnish a written response.

- The investigator will analyze the evidence and determine if he/she needs additional information to complete his/her report. He/she might contact the complainant another time. That person will then have an additional 10 calendar days to provide the additional information.

If an investigation indicates there has been a violation of Title VI, OCR attempts to obtain voluntary compliance. If it cannot obtain voluntary compliance within 10 calendar days, OCR will issue the final determination with any remedial action(s) required.

9. Within 45 days of accepting a complaint, an ITD Investigator will:

- Gather all relevant information in a fair and impartial manner
- Conduct interviews of all concerned parties
- Prepare the final investigative report, whereby detailing the allegations, outlining conclusions, and providing any final decisions based on logical and reasonable reflection of the factual evidence presented. Next, the final report should render the final decision by ITD. It should make recommendations to eliminate or provide corrective actions to eliminate any discriminatory practice found.

10. Upon final determination, one of two letters will be issued to the complainant:

- A letter summarizing the allegations stating that there was no Title VI Program violation and that the case will be closed, or
- A final decision including a synopsis summarizing the allegations, it will discuss the interviews regarding the alleged incident, and it will explain any remedial action, additional training(s) of staff, or describe other types of actions that will result because of the violation.

11. Complaints that fall under the jurisdiction of FHWA:

- ITD OCR Program Manager/Title VI/Nondiscrimination Coordinator will forward any Title VI complaint against ITD to FHWA-HCR within 60 days
- Once FHWA-HCR issues its final decision, it will notify ITD and, ITD will notify all parties involved.

12. All allegations of discrimination will be taken seriously and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with ITD's determination, the complainant may file a complaint directly with the appropriate USDOT modality (see contact information Appendix F):

- US Department of Transportation, Federal Highway Administration, Idaho Division
- US Department of Transportation, Federal Aviation Administration
- US Department of Transportation, Federal Motor Carriers Safety Administration

- US Department of Transportation, Federal Transit Administration
- US Department of Transportation, National Highway Traffic Safety Administration.

For questions or information on how to file a complaint, please contact ITD Office of Civil Rights:

Jessika Phillips, Office of Civil Rights Program Manager/Title VI/
Nondiscrimination Coordinator

Email: jessika.phillips@itd.idaho.gov

Phone: (208) 334-8884