

## **Title VI Complaint Procedures**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by SRTC or its subrecipients, consultants, and/or contractors. Complainants shall be protected from retaliation. 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.

Once logged, SRTC forwards complaints to WSDOT-Office of Equity and Civil Rights for processing by FHWA. WSDOT investigates complaints only if delegated by FHWA after acceptance of a complaint. FHWA is responsible for all determinations regarding whether to accept, dismiss, or transfer the complaint and finding no violation or failure to comply. SRTC will also forward the complaint to the FTA for processing under its procedures.

### **Procedures**

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with SRTC's Title VI Coordinator or fill out the Title VI Discrimination Complaint form that follows. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. If an individual would prefer not to file a complaint to SRTC, the WSDOT Office of Equity and Civil Rights (OECR) may be contacted directly. Title VI complaints must meet the following requirements:

- a) If possible, complaints should be submitted in writing, signed by the complainant or his/her representative(s). These may be provided via facsimile, mail or e-mail and receipt of the allegation will be acknowledged within five (5) business days. Allegations may also be provided verbally or by telephone, which will be documented by SRTC staff in writing and communicated to the complainant(s) for review before processing. If the complainant is hearing or speech-impaired, they can seek assistance through the TTY-Based Telecommunications Relay Service by dialing 7-1-1. More information about Telecommunications Relay Service can be found at: <https://www.fcc.gov/consumers/guides/711-telecommunications-relay-service>
- b) Include the date of the alleged act of discrimination (date when the complainant(s)

became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).

- c) Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
- d) Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal.
- e) Allegations received by telephone will be converted into writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for them to complete, sign, and return to SRTC for processing.

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of SRTC's subrecipients of federal funds, SRTC will assume jurisdiction and will investigate and adjudicate the case. Complaints against SRTC will be referred to the Washington State Department of Transportation's (WSDOT) Office Equity and Civil Rights (OECR) the Federal Highway Administration, or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In cases warranting intervention to ensure equity, these agencies may assume jurisdiction and complete or obtain services to review or investigate matters.

3. In order to be accepted, a complaint must meet the following criteria:

- a) Be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- b) The allegation(s) must involve a covered basis such as race, color, national origin, sex, or disability.
- c) The allegation(s) must involve a program or activity of a federal aid recipient, subrecipient, or contractor.
- d) The complainant(s) must accept reasonable resolution based on SRTC's administrative authority (reasonability to be determined by SRTC).

4. A complaint may be dismissed for the following reasons:

- a) The complainant requests the withdrawal of the complaint.
- b) The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c) The complainant cannot be located after reasonable attempts.

5. Once SRTC, WSDOT, or FHWA decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will receive a case number and will then be logged in SRTC's, WSDOT's, or FHWA's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.

6. In cases where SRTC assumes the investigation of the complaint, SRTC will provide the respondent the opportunity to respond to allegations in writing. The respondent will have ten (10) calendar days from the date of SRTC's written notification of acceptance of the complaint to furnish a response. DRAFT 2021 SRTC Title VI Plan 14
7. In cases where SRTC assumes the investigation of the complaint, within forty (40) calendar days of the acceptance of the complaint, SRTC's Investigator\* will prepare a report for review by the agency's Legal Counsel and Executive Director. The report will include a description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The report and its findings will be sent to SRTC's Legal Counsel for review. Counsel will review the report and associated documentation and provide input to the Investigator within ten (10) calendar days.
9. Any comments or recommendations from Legal Counsel will be reviewed by SRTC's Investigator. The Investigator will discuss the report and recommendations with the Executive Director within ten (10) calendar days. The report will be modified as needed and made final for its release.
10. SRTC's final investigative report and a copy of the complaint will be forwarded to WSDOT's OECR within 60 calendar days of the acceptance of the complaint. WSDOT's OECR will share the report with FHWA and FTA, Washington Division Offices, as part of its Annual Title VI Update and Accomplishment Report.
11. SRTC will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OECR. WSDOT's OECR will issue the final decision to SRTC based on the report.
12. Once WSDOT's OECR issues its final decision, SRTC will notify all parties involved about such determination. WSDOT's final determination is not subject to an appeal.
13. WSDOT will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by SRTC. WSDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

\*This will generally be SRTC's Title VI Coordinator.