

ATTACHMENT- G
COMPLAINT DISCRIMINATION PROCEDURE

Attachment G - Complaint Discrimination Procedure

VII. DISCRIMINATION COMPLAINT PROCEDURES

A. General

The MDOT Public Transit Division will refer and consult with the Director of Civil Rights, Legal and Human Resources Divisions to review complaints alleging discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability or veteran status involving applicants and grantee(s) that provide a plan to provide transit services.

1. As a matter of policy, the MDOT allows any person to file a complaint who believes that, individually, or as a part of a specific class of citizens, they have been subjected to discrimination covered by Title VI. All complaints must be filed with the Executive Director of the Mississippi Department of Transportation, through the Public Transit Division. All complaints must be filed within ninety (90) days of the alleged discrimination. Unless unusual or extenuating circumstances intervene, all complaints must be filed in writing before any action is taken on behalf of the Division. Recognition of such circumstances must be given by the MDOT Executive Director and/or his representative, in writing.

B. Complaint Filing Procedures

Complaints may be submitted in writing to the affected transit provider, applicant or contractor prior to the complainant submitting a formal complaint to the Mississippi Department of Transportation Public Transit Division (hereinafter referred to as “the Division”).

1. Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Division may file a Title VI complaint by completing and submitting the agency’s Title VI Complaint Form. The Division investigates complaints received no more than 180 days after the alleged incident. The Division will process complaints that are complete.
2. Once the complaint is received, the Division will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.
3. The Division has 30 days to investigate the complaint. If more information is needed to resolve the case, the Division may contact the complainant. The complainant has 15 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days, the Division can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

2. **Complaint Review Report.** After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.
3. A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

VIII. DISCRIMINATION PROHIBITED BY THE REGULATIONS

A. For purposes of this Title VI Compliance Program, the following types of discrimination that is prohibited as defined by the Department of Justice and Department of Transportation Regulations. This listing is not intended to be all inclusive nor exhaustive in its coverage, but rather as a measure of/or standard for illustration.

1. Some of the specific discriminatory actions that are prohibited by the regulations are as follows:

A recipient under any program to which this Program applies may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin:

- a. Deny a person any service, or other benefit provided under the Transportation Program;
 - b. Provide any service or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the Transportation Program;
 - c. Subject a person to segregation or separate treatment in any manner related to his receipt of any service, or other benefit under the Program;
 - d. Restrict a person in any way in the enjoyment of any advantages or privilege enjoyed by others receiving any service, or other benefit under the Program;
 - e. Treat a person differently from others in determining whether he/she satisfies any eligibility, or other requirement or condition which persons must meet in order to be provided any service, or other benefit provided under the Program; or
 - f. Deny a person an opportunity to participate in the programs through the provision of service or otherwise afford him an opportunity to do so which is different from that afforded others under the Programs.
2. A contractor, in determining the types of services, benefit, or facilities which will be provided under any transit programs, or the class of persons to whom, or the situations in

which, such services, financial aid, or other benefits, or facilities will be provided under any such programs, or the class of persons to be afforded an opportunity to participate in any such programs; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the programs with respect to individuals of a particular race, color, creed, religion, national origin, sex, age, disability or veteran status.

3. In determining the site or location of facilities, a contractor or applicant may not make selections with the purpose of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which the Title VI regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the FTA Transportation Acts or parts thereof.
4. This Program does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or pediments which have restricted the availability of, or participation in, the programs or activity receiving Federal assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage trends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.
5. Where the primary objective of a program of Federal financial assistance to which this Program applies is to provide employment, a contractor or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices. Such contractors shall take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin.

IX. PUBLIC INFORMATION ACCESS/DISSEMINATION

A. General

The Mississippi Department of Transportation, Public Transit Division, shall as a matter of policy, provide information to any interested person, concerning the Title VI requirements and procedures contained in the regulations, Circular 4702.1A, and the MDOT's Title VI Compliance Program.

The general public will be advised that the Public Transit Division administers programs subject to the nondiscrimination provision of Title IV by the following:

1. Advertising at least annually, that transportation services made available in part or in whole from FTA funds are subject to Title VI requirements.
2. Requesting that all contractors display or otherwise publish a notice similar to *Title VI-Appendix E*.
3. Display a notice similar to *Title VI-Appendix E*.
in a location accessible to the employees and the general public.
4. Notices Title VI obligations and complaint procedures will be translated into languages other than English, as needed and consistent with the DOT LEP Guidance.

B. Contractors, Applicants and Other Interested Parties.

1. A copy of this Title VI Program shall be made available to any contractor, grantee, sub-contractor or other interested individual or entity, upon request.
2. Appropriate references to the Title VI requirements, complaint procedures and this Compliance Program shall be included in contracts, the State Plans and other materials.
3. Rural Public, Job Access and Reverse Commute, Elderly and Disabled and New Freedom transportation contractors will also receive information about the availability, applicability and requirements of the Compliance Program, as a part of routine training efforts.

X. PUBLIC INVOLVEMENT

A. General

MDOT and subrecipients will utilize a wide variety of public involvement measures to afford the opportunity for minority and low income individuals to participate in program services and transit related activities. Effective public involvement practices may include:

1. Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
2. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
3. Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
4. Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.

5. Implementing FTA's policy guidance concerning recipients and subrecipients responsibilities to LEP persons to overcome barriers to public participation.

Title VI -APPENDIX A-1

STANDARD ASSURANCES

The applicant organization assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal and state administrative requirements in carrying out any project supported by the FTA funds. The applicant organization further agrees that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its projects with FTA. The applicant recognizes that Federal laws, regulations, policies, and administrative practices might be modified from time to time and those modifications may affect project implementation. The Applicant agrees that the most recent Federal and state requirements will apply to the project, unless FTA issues a written determination otherwise. Also, the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant, that a resolution, motion or similar action has been duly adopted or passed by an official act of the applicant's governing body endorsing the proposed projects and identifying the official representative of the applicant.
2. It has the requisite fiscal, managerial, and legal capacity to carry out the FTA administered programs and to receive and disburse federal funds.
3. It will identify all sources of state, local, unrestricted federal funds and private funds which will be committed to provide the required local share.
4. It has or will have by the time of delivery sufficient funds to operate the vehicle and/or equipment purchased under this project, as applicable.
5. The applicant assures affirmative compliance with Title VI of the Civil Rights Acts of 1964 and related statutes and Disadvantaged Business Enterprises provisions.
6. Private transit and paratransit operators have been afforded a timely and fair opportunity to participate to the maximum extent feasible in the provision of the proposed transportation services by the applicant. Any differences between the applicant and private operator(s) will be resolved by either mutual agreement or by a Public Service Commission ruling.
7. The applicant will certify that the elderly and disabled persons will be identified and provided reasonable transportation service.
8. It has demonstrated and documented efforts to achieve coordination among other transportation providers and users, including social service agencies capable of purchasing services.

9. It will comply as applicable with the labor protection provisions identified in 5333 (b) of the Urban Mass Transportation Act of 1964 and the Federal Transit Act of 1992 as amended.
10. It has and will comply with applicable provisions of the regulations relative to charter bus and school bus operation.
11. It will work to ensure the continuation of existing transportation revenues to compliment Job Access and Reverse Commute, Elderly and Disabled, New Freedom and Rural General Public Transportation funds.
12. It will comply with the Americans with Disabilities Act to assure that the proposed project will be accessible to the disabled and that transportation for the disabled has and will be provided.
13. It will place into the account of the Public Transit Division the required local cash match for capital purchases in advance of the Notice to Proceed with the project.
14. Will hold public hearing on the proposed project(s) and consider the views and comments in the final development of the project.
15. It will submit a Standard Form 424 to the regional and State A-95 Clearinghouse for review and comments.
16. It will permit the MDOT to conduct a pre-audit and post audit of the financial system, confirm or recommend proper accounting procedures, and establish eligible costs.
17. Execute a project agreement with the MDOT assuring all federal and state requirements will be fulfilled and it acknowledges that it is under a continuous obligation to comply with the terms and conditions of the agreement.
18. It will comply with the Americans with Disabilities Act paratransit plan requirements as applicable.
19. The applicant understands that Federal and State laws, regulations, policies and administrative practices may change from time to time. The applicant agrees that the most recent requirements will apply to the projects, unless FTA issues a written determination otherwise.

Signature

Title

Date

Title VI - APPENDIX A-2

(MDOT LETTERHEAD)

Title VI Complaint Form Letter 09-01-00-000-01

Month/date/, 20__

(Complainant)

MAILED CERTIFIED RETURN RECEIPT

(Address)

RE: (Identity of Person(s) or Entity Complaint
filed against)

(City, State, Zip)

Dear _____:

Your correspondence concerning allegations of discrimination under Title VI of the Civil Rights Act of 1964 has been received. Additional information is needed in order to pursue this matter further.

Please contact the office identified below.

Evelyn Chaffin, Title VI Coordinator
(Name)

P. O. BOX 1850; Mail Code 61-01
(Address)

Jackson, MS 39215-1850
(Address)

(601) 359-7800
(Telephone number)

Sincerely,

Title VI Coordinator

Title VI -APPENDIX A-3

(MDOT LETTERHEAD)

Title VI Complaint Form Letter 09-01-00-000-02

Month/Date, 20__

(Complaint)

MAILED CERTIFIED RETURN RECEIPT

(Address)

RE: (Identity of Person(s) or Entity
Complaint filed against)

(City, State, Zip)

Dear _____:

This is to acknowledge receipt of your complaint of Title VI discrimination against (above named respondent).

The respondent, (above named respondent) will be provided notification of this agency's intent to process the complaint in accordance with established procedures. The undersigned or other authorized representative will contact you should the need arises for additional information.

In this connection please notify the undersigned of any change in your address or telephone number and inform this agency if you are absence from your current address for an extended period of time. Your complaint may be dismissed if you fail to cooperate in this regard.

Please be advised that you may also file your complaint with the U. S. Department of Transportation at one or both of the following addresses:

Federal Transit Administration, Region IV
230 Peachtree St. N.W.
Suite 800
Atlanta, Georgia 30303

U. S. Department of Transportation
Federal Transit Administration
Office of Civil Rights
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Sincerely,

Title VI Coordinator

Title VI - APPENDIX A-4

(MDOTLETTERHEAD)

Complaint Form Letter 09-01-00-000-04

DATE

(Respondent)

(Address)

(City, State, Zip)

MAILED CERTIFIED RETURN RECEIPT

RE: Charge of Title VI Discrimination
(Identity of Complaint)

Dear _____ :

You are hereby notified that a complaint of unlawful discrimination has been filed against your organization under Title VI of the Civil Rights Act of 1964. A copy of the complaint is enclosed herewith for your review.

The U.S. Department of Transportation regulations (49 CFR 21) effectuating the provision of Title VI of the Civil Rights Act of 1964, as amended, are applicable to your Federal-aid contract and are controlling in this matter (See contract provisions). Section 21.5 of these regulations, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation and nothing should be done which would have the effect of defeating or substantially impairing accomplishment of the objectives of the federally assisted program with respect to individuals of a particular race, color, national origin, sex, age or disability.

Please submit a response to the allegations contained in the complaint including documentary materials to support your position. Your full response should be submitted by (month/day/year).

(Title VI CRD or Coordinator)

(Address)

(Telephone Number)

If you have any questions, please contact me at telephone number (601) 359-7800.

Sincerely,

(CRD or Title VI Coordinator)

(A respondent should generally be given 10 calendar days to respond.)

Title VI - Appendix A-5
TITLE VI COMPLAINT 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				
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 complaint with this agency?			Yes	No

Section V

Title VI -APPENDIX E

APPLICATION OF TITLE VI REQUIREMENTS TO FEDERAL FINANCIAL ASSISTANCE OF THE FEDERAL TRANSIT ADMINISTRATION

Examples: **Non-discrimination of FTA Projects**

The following examples, without being exhaustive, illustrate the application of the non-discrimination provisions or this part to projects receiving Federal financial assistance under the programs of certain Department of Transportation operating administrations.

1. Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.
2. No person who is, or seeks to be an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.
3. No person group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to different routes, quality of stations serving different routes and location of routes may not be determined on the basis of race, color, or national origin.
4. The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.