

TITLE VI COMPLAINT PROCEDURES AND INVESTIGATION GUIDELINES

Introduction

Any person who believes that he or she, individually or as a member of any specific class or in connection with any Michigan Department of Transportation (MDOT) program, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes, as stated in 49 C.F.R. 21.11(b), may file a complaint with the department or the Federal agency that provides funds for the program where the alleged discrimination occurred. A complaint may also be filed by a representative on behalf of a complainant.

Receipt of Complaint

1. In order to have a complaint considered under this procedure, the complainant should file the complaint no later than:
 - (a) 180 days after the date of the alleged act of discrimination; or
 - (b) If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

A designated Federal or MDOT representative may extend the time for filing or waive the time limit in the interest of justice. The reason(s) for the extension of time must be documented in writing and retained with the file.

2. Complaints must be in writing and must be signed by the complainant or the complainant's designee or representative. The MDOT Title VI Complaint Form (#0112) may be used or any other signed document that alleges a complaint. The complaint must provide a complete explanation of the facts and circumstances surrounding the alleged discrimination. The individual receiving the complaint must date stamp the document immediately upon receipt in order to preserve the complainant's right to pursue resolution in another forum. Complaints against contractors, sub-contractors and other sub-recipients receiving federal financial assistance through MDOT must be reported to:

Cheryl Hudson
EEO Officer/Title VI Specialist
Michigan Department of Transportation
425 W. Ottawa
Lansing, MI 48933
517-373-0980
Hudsonc1@michigan.gov

3. Complaints received verbally or by other electronic media must be referred to the MDOT EEO Officer. If necessary the MDOT EEO Officer will assist the complainant in reducing his/her complaint to writing and obtain the complainant's signature. The following are examples of sources that should not be considered a complaint, unless the source contains a signed cover letter specifically asking that the agency take action concerning the allegations:

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Courtesy copies of complaints addressed to other local, State, or Federal agencies.
- Newspaper articles.

- Courtesy copies of internal grievances.
4. Complaints are logged in by the MDOT EEO Officer or another individual designated by department.
 5. Within 10 days the MDOT EEO Officer will acknowledge receipt of the complaint, and inform the complainant of the initial action taken or proposed action to process the allegation. If the correspondence indicates that the allegation is not within the jurisdiction of MDOT, the MDOT EEO Officer will send the complainant a letter stating that the issues presented do not come within the authority of this agency or department. The complainant will be advised regarding other avenues of redress available, such as the FHWA, FTA, FAA, the Department of Civil Rights, and the U.S. Department of Transportation. The department must make a good faith effort to refer the complaint to the appropriate agency to handle the case if it is not within MDOT's jurisdiction.

Note: Appropriate assistance will be provided to individuals with disabilities and individuals who speak a language other than English. Also, complaints in alternate formats from individuals with disabilities may be accepted for example, complaints filed on computer disks, audio tape, or in Braille.

Acceptance for Investigation

1. After initial review of the complaint by the MDOT EEO Officer and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT EEO Officer will retain a copy of all documents on file.
2. A copy of the complaint and any relevant documents will be forwarded to the Federal authority which provided the funding (FHWA, FTA or FAA). The federal funding source will oversee the investigation and determine to what extent MDOT will be involved in the investigation.

The Investigation

1. If, the case is assigned to MDOT for investigation, the investigator assigned the case, must review the alleged facts to determine the course of the investigation. The investigation must be completed within 60 days after the case is assigned.

For example: a complaint alleging discriminatory treatment resulting in loss to person or property, unfair compensation, inequitable benefits or other forms of hardship may involve an investigation of or review of :

- *Public hearing procedures, including participation therein.*
- *The location, design, and access to a structure or facility constructed with federal financial assistance.*
- *Real estate and relocation activity.*

In order to conduct a complete investigation, the investigator may determine the need to interview program managers, witnesses, or others named in the complaint.

2. Once the investigation is completed, the investigator will prepare a written report of the assessment. The report will include a narrative of the incident, identification of individuals interviewed, findings, evidence reviewed, and recommendations for disposition.

3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT EEO Officer. The complainant and the respondent will also receive a copy of the report. Each will have 10 working days in which to respond to the report.
4. A copy of the complaint and final determination will be forwarded to the federal entity with jurisdiction, the complainant and the respondent within 60 days after the complaint was received by MDOT.