



## Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), including its Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program components, Section 504 of the Rehabilitation Act of 1973 (Section 504), Civil Rights Restoration Act of 1987 (CRRRA), and the American with Disabilities Act of 1990 (ADA), regarding any program or activity administered by NEW RTPO or its sub-recipients, consultants, and/or contractors. These procedures apply to complaints filed against a program and/or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA). Intimidation or retaliation of any kind is prohibited by law per Title 49, Code of Federal Regulations, Part 21.11(e).

The 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. Every effort will be made to resolve complaints informally at the agency and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator may be utilized for resolution.

All complaints will be referred to the RTPO's Title VI Coordinator for review and action. NEW RTPO's Title VI Coordinator shall be the Executive Director of NEW RTPO.

### PROCEDURES:

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with NEW RTPO. A formal complaint must be filed within one hundred and eighty (180) calendar days of the alleged occurrence. NEW RTPO will not officially act or respond to complaints made verbally.
2. Upon receiving the written complaint, the NEW RTPO Executive Director will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, NEW RTPO may request that WSDOT Office of Equal Opportunity conduct the investigation. In the event WSDOT handles the investigation, it will follow adopted procedures for investigating discrimination complaints, per the current State Title VI Plan.
3. The NEW RTPO Executive Director will assign a member of the NEW RTPO staff investigative responsibilities.
4. If the complaint is against a sub-recipient, consultant, or contractor, under contract with NEW RTPO, the appropriate division and/or agency shall be notified of the complaint, within fifteen (15) calendar days.
5. Once NEW RTPO decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.

6. In cases where NEW RTPO assumes investigation of the complaint, it will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish NEW RTPO with a response to the allegations.
7. Within sixty (60) days of receipt of the complaint, the Coordinator or WSDOT investigator will prepare a written investigative report for NEW RTPO. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
8. Once the investigative report becomes final, briefings will be scheduled with each party within fifteen (15) days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
9. A copy of the complaint and NEW RPTO's investigative report will be issued to WSDOT's External Civil Rights Branch (or the appropriate oversight agency) within sixty (60) calendar days of the receipt of the complaint.
10. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal the agency's decision to WSDOT, US Department of Transportation, or US Department of Justice. The complainant has one hundred and eighty (180) calendar days after the appropriate agency's final resolution to appeal to USDOT. Unless facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.
11. An annual Log of Complaints must be maintained by each agency. The Log of Complaints must contain the following information for each complaint filed:
  - a. The name and address of the person filing the complaint.
  - b. The date of the complaint.
  - c. The basis of the complaint.
  - d. The disposition of the complaint.
  - e. The status of the complaint.

Only qualified, well-trained investigators should conduct these investigations. NEW RTPO will not investigate a complaint against itself.