

## **Appendix C: Title VI Complaint Investigation Procedures**

Metro COG uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by it. These procedures include, but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with Metro COG. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of Metro COGs programs for it to be considered and processed as an allegation of a discriminatory practice.
2. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. Metro COG's Title VI Complaint Form must be used. (See Appendix C).
3. The complaint may also be filed with the U. S. Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint must be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U. S. Department of Transportation.
4. Immediately, upon receipt of a Title VI complaint, Metro COG determines a course of action. Possible courses of action include:
  - a. Title VI complaints filed against Metro COG are referred to the North Dakota Department of Transportation (NDDOT) for processing. NDDOT notifies the Federal Highway Administration (FHWA) Division Office of the complaint.
  - b. Title VI complaints filed against Metro COG recipients and subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed by Metro COG in accordance with FHWA approved complaint procedures, as required under 23 Code of Federal Regulations Part 200. NDDOT is available to provide assistance.
    - i. A copy of the complaint, together with a copy of Metro COG's report of the investigation and recommendations, are forwarded to the FHWA Division Office within sixty (60) days of the date the complaint was received by Metro COG.
    - ii. A copy of the complaint, together with a copy of Metro COG's report of the investigation and recommendations, are provided to NDDOT, Local Government Division, 608 East Boulevard, Bismarck, ND 58505-0700, for informational purposes only.
    - iii. The FHWA Headquarters Office of Civil Rights makes the final agency decision.

5. Metro COG reviews and determines the appropriate action regarding every complaint. Metro COG will recommend to the FHWA Division Office, with a copy to NDDOT, not to proceed with or continue a complaint investigation if:
  - a. The complaint is, on its face, without merit.
  - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
  - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
6. If an investigation is to be initiated, Metro COG determines the method of investigation and who will conduct the investigation.
7. The entire investigation process, including the submission of the final report of the investigation and recommendations to the FHWA Division Office, with a copy to NDDOT, is to be carried out in a period not to exceed sixty (60) calendar days from the date the original complaint was received by Metro COG.
8. Metro COG acknowledges receipt of the allegation(s) within ten (10) working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
  - a. The basis for the complaint.
  - b. A brief statement of the allegation(s) over which Metro COG has jurisdiction.
  - c. A brief statement of Metro COG jurisdiction over the recipient to investigate the complaint; and
  - d. An indication of when the parties will be contacted.

Depending on the nature of the complaint, the complaint will be referred to the following for final decision:

- i. Federal Highway Administration (FHWA)
  - ii. U.S. Department of Justice
9. Metro COG also notifies the FHWA Division Office and/or FTA Region 8 Office, with a copy to NDDOT, within ten (10) calendar days of receipt of the allegations. The following information is included in the notification to FHWA:
    - a. Name, address, and phone number of the complainant.
    - b. Name(s) and address(es) of persons alleged to have been involved in the act.
    - c. Basis of alleged discrimination (i.e., race, color, sex, age, national origin, disability/handicap, or income status).
    - d. Date of alleged discriminatory act(s).
    - e. Date complaint was received by Metro COG.
    - f. Brief statement concerning the nature of the complaint.
    - g. Other agencies (federal, state, or local) with which the complaint has been filed.

- h. An explanation of the actions Metro COG proposes to take to resolve the issues raised in the complaint.
10. The investigation consists of an in-depth, personal interview with the complainant(s). Information gathered in this interview includes, but is not limited to:
- a. Identification of each complainant by race, color, sex, age, national origin, disability/handicap, or income status;
  - b. Name of the complainant;
  - c. A complete statement concerning the nature of the complaint, including names, dates, places, and incidents involved in the complaint;
  - d. The date the complaint was filed; and
  - e. Any other pertinent information the investigator(s) feels is relevant to the complaint.

The interview(s) is recorded, either on audio tape or by an investigator taking notes. The investigator(s) arranges for the complainant to read, make necessary changes to, and sign the interview transcript or interview notes.

11. Following the interviews, the investigator(s) develops a report of the investigation and recommendations based on the facts. The report contains the investigator's(s'):
- a. Findings;
  - b. Conclusions concerning each issue raised in the complaint; and
  - c. Recommendations for corrective action.

The report is the last document prepared by the investigator(s). Any other actions taken as a result of the investigator's(s') findings and conclusions are the responsibility of Metro COG management.

12. The complainant receives a letter from Metro COG detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the FHWA Headquarters Office of Civil Rights makes the final determination.
13. Metro COG forwards the report of the investigation and recommendations to the FHWA Division Office, with a copy to NDDOT. Included with the report is
- a. A copy of the complaint;
  - b. Copies of all documentation pertaining to the complaint;
  - c. The date the complaint was filed;
  - d. The date the investigation was completed; and
  - e. Any other pertinent information.

14. The FHWA Office of Civil Rights makes the final agency decision.