

## **Central Lane MPO DISCRIMINATION COMPLAINT PROCEDURE**

### **Introduction**

The Central Lane MPO discrimination complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Central Lane Metropolitan Planning Organization (MPO) programs, activities and services as required by statute.

### **Purpose**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990.

Any person who feels that he or she has been excluded from participation in, denied benefits of, or been subjected to discrimination in any of Central Lane MPO's programs, services, or activities, on the basis of race, color, national origin, disability, age, gender, or income status has the right to file a complaint.

Complaints shall be directed to:

Central Lane Metropolitan Planning Organization  
Program Manager  
859 Willamette, Suite 500  
Eugene, OR 97401  
(541) 682-6512  
ariner@lcog.org

Intimidation or retaliation of any kind is prohibited by law.

Any person who would like to file a complaint should follow the procedure described below. 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.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### **Roles and Responsibilities**

- The Program Manager for the Central Lane MPO has overall responsibility for the discrimination complaint process and procedures.

- The Program Manager for the Central Lane MPO is responsible for conducting an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

### **Applicability**

The complaint procedures apply to the beneficiaries of the Central Lane MPO's programs, activities, and services, including but not limited to the public and other sub-recipients of Federal and State funds.

### **Eligibility**

Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the Central Lane MPO or its sub-recipients, consultants, and contractors on the basis of race, color, national origin, disability, age, gender, or income status may bring forth a complaint of discrimination under Title VI and related statutes.

### **Time Limitations**

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- Where there has been a continuing course of conduct, the date on which the conduct was discontinued.

### **Receipt of Complaints**

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 for Central Lane MPO to be able to process it.

Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to Central Lane MPO for processing.

### **Type of Complaints**

All Title VI and related statute complaints are considered formal as there is no informal process. Complaints must be in writing and signed by the complainant. Complaints must include the complainant's name, address and phone number and be detailed to specify all issues and circumstances of the alleged discrimination.

### **Complaint Basis**

Allegations must be based on issues involving race, color, national origin, disability, age, gender, or income status. The term "basis" refers to the complainant's protected group status.

| Protected Group Categories | Definition  | Examples   |
|----------------------------|---|--|
| Race                       | An individual belonging to one of the accepted anthropological racial groups; or the perception, based on physical characteristics that a person is a member of a racial group. | Black, White, Hispanic, Asian, Native American Indian, Filipino, or Pacific Islander |
| Color                      | Color of skin, including shade of skin within a racial group.   | Black, white, light brown, dark brown, etc.  |
| National Origin            | National birth site. Citizenship is not a factor. Discrimination based on language or a persons accent is covered by national origin.   | Mexican, Cuban, Japanese, Vietnamese, Chinese  |
| Sex                        | Gender  | Woman and men  |
| Age                        | Persons of any age  | 21 year old person   |
| Disability                 | Physical or mental impairment, permanent or temporary, or perceived.  | Blind, deaf, crippled, etc.  |

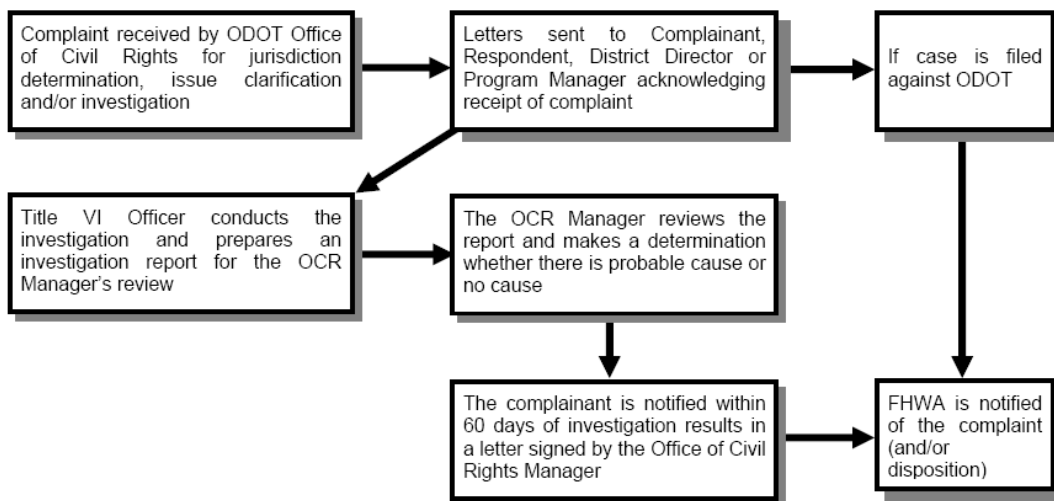
### **Complaint Processing**

1. A complaint should be filed in writing, contain the name, address, and signature of the person filing it, and a description of the alleged discriminatory event or practice, including:
  - a. 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).
  - b. A detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - c. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints however must be signed by the complainant.
2. In order to be accepted, a complaint must meet the following criteria:
  - a. A complaint must be filed within 180 days of the alleged discriminatory event or practice.
  - b. The allegation(s) must involve a covered basis such as ace, color, national origin, disability, age, gender, income status, or retaliation.
  - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
3. 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. The complaint shall be investigated unless:
  - a. The complaint is withdrawn.

- b. The complainant fails to provide required information after numerous requests.
  - c. The complaint is not filed timely (within 180 days).
  - d. Any issues that do not involve discrimination, or are not based on a protected basis will be directed to the appropriate entity. Under no circumstance is the complainant discouraged from filing a complaint.
4. The following process shall be used for investigating complaints against one of Central Lane MPO's subrecipients:
- a. Once received, the complaint will receive a case number and will then be logged in the Central Lane MPO's records identifying the name and address of the person filing the complaint; the date of the complaint; the basis of the complaint; the disposition of the complaint; and the status of the complaint.
  - b. In cases where the complaint is against one of Central Lane MPO's subrecipients of federal funds, the Title VI Coordinator for the Central Lane MPO shall decide whether to assume jurisdiction and investigate and adjudicate the case or whether to forward such complaints to ODOT for prompt investigation. In cases where the Title VI Coordinator does assume the investigation, ODOT may continue to review and monitor these investigations.
  - c. Once the Central Lane MPO decides to accept the complaint for investigation, the complainant and the respondent will be sent a letter, acknowledging receipt of the complaint, the name of the investigator, and is provided with his/her rights under Title VI and related statutes.
  - d. The Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of Central Lane MPO's written notification of acceptance of the complaint to furnish his/her response to the allegations.
  - e. Within sixty (60) calendar days, the Central Lane MPO Title VI Coordinator will evaluate the information and prepare a written report that includes a description of the allegation, a summary of the investigation, relevant facts and findings, and supporting documents. The Title VI Coordinator may consult with the Central Lane MPO's legal counsel as needed.
  - f. The Title VI Coordinator will notify the complainant, the respondent and appropriate managers in writing of the results of the investigation. The notification will advise the complainant of his/her right to file a formal complaint with another agency, if they are dissatisfied with the final decision rendered by the Central Lane MPO.
  - g. Central Lane MPO's final investigative report and a copy of the complaint will be forwarded to ODOT's District Title VI Coordinator within 60 calendar days of the acceptance of the complaint. ODOT's District Title VI Coordinator is responsible for sharing the report with FHWA and FTA as part of its Annual Title VI Update and Accomplishment Report.

5. In order to ensure that there is no conflict of interest, all complaints against the Central Lane MPO shall be forwarded to ODOT for review. The following process shall be used for investigating complaints against Central Lane MPO:

- a. Once received, the complaint will receive a case number and will then be logged in the Central Lane MPO's records identifying the name and address of the person filing the complaint; the date of the complaint; the basis of the complaint; the disposition of the complaint; and the status of the complaint.
- b. The Title VI Coordinator shall forward the complaint to ODOT for prompt investigation. The following information will be included in every notification to the ODOT District Title VI Coordinator:
  - (a) Name, address, and phone number of the Complainant.
  - (b) Name(s) and address (es) of alleged discriminating official.
  - (c) Basis of complaint (i.e., race, color, national origin, disability, age, gender, or income status, etc.).
  - (d) Date of alleged discriminatory act(s).
  - (e) Date of complaint received by the Central Lane MPO.
  - (f) A statement of the complaint.
  - (g) Other agencies (State, local or Federal) where the complaint has been filed.
  - (h) An explanation of the actions the Central Lane MPO has taken or proposed to resolve the allegation(s) raised in the complaint.
- c. The procedure that the Office of Civil Rights will use to investigate such complaints can be found at ODOT's Office of Civil Right's website and are included in ODOT's Title VI Plan. A general outline of the process is provided as follows:



### **Annual Log of Complaints**

The Central Lane MPO Title VI Coordinator will maintain a log of all complaints received. The log will include the following information:

- a. Name of Complainant.
- b. Name of alleged discriminating official or situation.
- c. Basis of Complaint (i.e., race, color, national origin, disability, age, gender, or income status).
- d. Date complaint was received by the Central Lane MPO.
- e. Date the Central Lane MPO Title VI Coordinator notified the ODOT's District Title VI Coordinator of the complaint.
- f. Explanation of the actions the Central Lane MPO has taken or proposed to resolve the allegation(s) raised in the complaint(s).
- g. The final disposition of the complaint.
- h. The date in which the complainant, respondent, and ODOT's District Title VI Coordinator was notified of the disposition.