

## ***Title VI of the Civil Rights Act of 1964 and Related Statutes***

# Discrimination Complaint Process

### Introduction

The Title VI (and related statutes) discrimination complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Oregon Department of Transportation's (ODOT) programs, activities and services as required by statute.

### Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the Office of Civil Rights (OCR). These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, Executive Order 12898 Environmental Justice, Executive Order 13166 Limited English Proficiency and applicable Department policies. Any person who feels that he or she has been subjected to discrimination on the basis of race, color, national origin, gender, age, disability, or because they are low income, has the right to file a complaint with the Department's Office of Civil Rights

Title VI Complaints must be filed within 180 days of the alleged discriminatory event or practice. Complaints must be filed in person or in writing. They should be directed to:

Office of Civil Rights  
Oregon Department of Transportation  
Attn. Title VI Officer  
355 Capitol St NE  
Salem, Oregon 97301

These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency (BOLI, EEOC, U.S. Dept. of Transportation, FHWA, FTA, or U. S. Dept. of Justice) or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest possible level.

## Roles and Responsibilities

- The Office of Civil Rights Manager and Title VI Officer, has overall responsibility for the discrimination complaint process and procedures.
- The Office of Civil Rights Manager, Title VI Officer and Civil Rights Field Coordinators serve as points of contact statewide for the public to initiate complaints of discrimination.
- The Office of Civil Rights 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.

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.

## Filing of Formal Complaints

### 1. APPLICABILITY

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

### 2. ELIGIBILITY

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

### 3. TIME LIMITATIONS AND FILING OPTIONS

Title VI complaints of discrimination may be filed with:

- The Office of Civil Rights of ODOT
- Federal Highway Administration
- Federal Transit Administration
- U.S. Department of Transportation

*In all situations, Oregon Department of Transportation Civil Rights staff must immediately forward Title VI discrimination complaints to FHWA or FTA.*

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.

#### 4. 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.

#### 5. COMPLAINT BASIS

Allegations must be based on issues involving race, color, national origin, sex, age, disability, or income. 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	Women and men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, deaf, mobility limitations, etc.
Socio-Economic	Individuals and segments of communities (neighborhoods) that are below the HHS Poverty line index that are subject to provisions contained in Executive Order 12898 – Environmental Justice	Low-Income individuals and members of communities that may be subjected to adverse impacts or denied the benefits from transportation decision-making because of their socio-economic status

## Complaint Processing

### 1. INITIAL CONTACT

The Office of Civil Rights Manager, Title VI Officer and Civil Rights Field Coordinators serve as the Department's resources for members of the public who wish to file a discrimination complaint under Title VI and related statutes. As resources, The Office of Civil Rights Manager, Title VI Officer and Civil Rights Field Coordinators staff provides complainants with:

- An explanation of their filing options.
- The discrimination complaint process.

### 2. THE COMPLAINT REVIEW PROCESS

- a. The Office of Civil Rights reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction.
- b. The complaint shall be investigated unless:
  - The complaint is withdrawn.
  - The complainant fails to provide required information after numerous requests.
  - The complaint is not filed timely.
  - 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.
- c. Upon determination that the complaint warrants an investigation: The complainant is 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 respondent is notified by mail that he/she has been named in a complaint and is provided with his/her rights under Title VI and related statutes. The letter also reveals the investigator's name and informs the respondent that he/she will be contacted for an interview.
- e. A letter is sent to the appropriate manager when the complainant(s) or respondent(s) are located in a Region office. Program managers will be informed that a complaint was filed; the letter will list the

names of the parties involved, the basis of the complaint and the assigned investigator.

- f. Title VI Officer is responsible for the overall Title VI program implementation. This Title VI Officer is appointed by the Manager of the Office Civil Rights who reports directly to the Director of the Oregon Department of Transportation.

## Investigation

### 1. INVESTIGATION PLAN

The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against;
- Information needed to address the issue;
- Criteria, sources necessary to obtain the information;
- Identification of key people;
- Estimated Investigation time line;
- Remedy sought by complainant(s)

### 2. CONDUCTING THE INVESTIGATION

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case, which the witness can provide firsthand information.
- Interviews can be tape recorded with the interviewees consent.
- A chronological contact sheet is maintained in the case file throughout the investigation.

### 3. INVESTIGATION REPORTING PROGRESS

- Within 30 days of receiving the complaint, the investigator prepares an investigation report and submits the report and supporting documentation to the Office of Civil Rights Manager for review.

- The Office of Civil Rights Manager reviews the file and investigation report. Subsequent to the review, the Office of Civil Rights Manager, makes a final determination of “probable causes” or “no Cause” and prepares a final decision letter for signature.
- OCR shall prepare and submit a written report, outlining the following complaint details:
  - a. Date of written complaint;
  - b. Complaint basis (race, color, national origin);

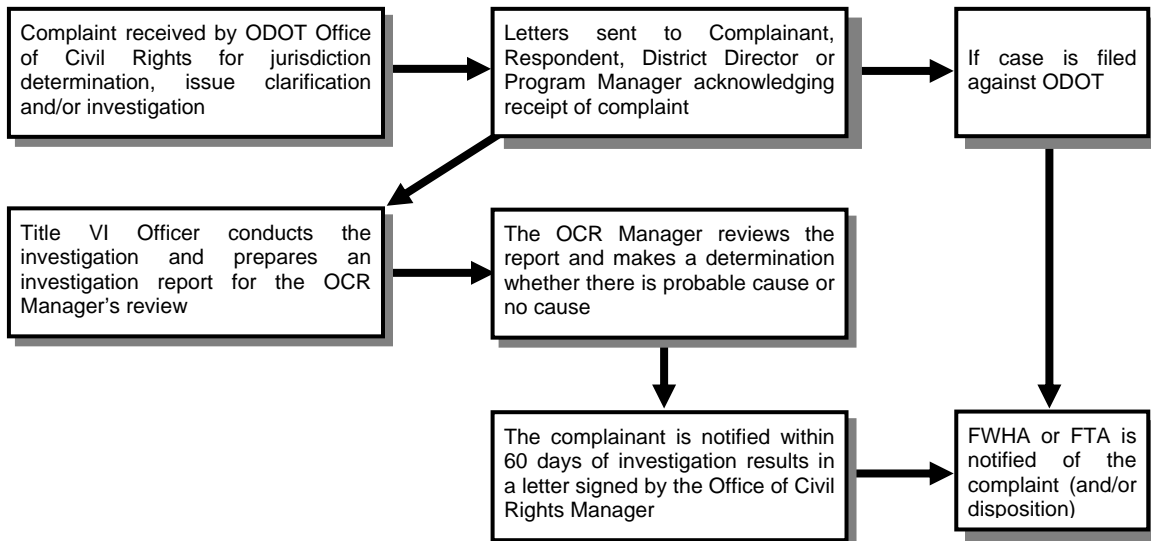
## Reporting Requirements

A copy of the complaint, together with a copy of the report of investigation, is forwarded to the appropriate federal agency (FHWA or FTA) within 60 days of the date the complaint was received.

## Records

All records and investigative working files are maintained in a confidential area within the Office of Civil Rights. Records will be kept for three years internally then archived for a period of ten years.

## Complaint Process Flow Chart



## Authorities

***Title VI of the Civil Rights Act of 1964, (42 USC 2000d to 2000-4):***

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), 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.

***The Civil Rights Restoration Act of 1987, (Pub. L. No. 100-259):***

The Civil Rights Restoration Act of 1987 broadens the scope of Title VI by expanding the definitions of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors.

***23 CFR 200 and 49 CFR 21:***

23 CFR 200 and 49 CFR 21 are administrative Regulations from USDOT and FHWA that specify requirements for state DOTs to implement Title VI policies and procedures at the state and local levels.

***Federal Aid Highway Act of 1973, (23 USC 324):***

The Federal Aid Highway Act of 1973 provides that no person on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

***Age Discrimination Act of 1975, (42 USC 6101):***

The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

***Americans With Disabilities Act of 1990, (Pub. L. No. 101-336):***

The Americans With Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

***Section 504 of the Rehabilitation Act of 1973:***

Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

***Executive Order 12898:***

Executive Order 12898 regards federal actions to address Environment Justice in minority populations and low income populations.

***Executive Order 13166:***

Executive Order 13166 regards the improvement of access to services for persons with limited English proficiency.