

**East Tennessee Human Resource Agency
Public Transit Program**

Title VI Complaint Procedures

The Title VI Officer will promptly investigate all complaints of alleged discrimination. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the Title VI Officer will inform every complainant of all of his/her avenues of appeal.

While this procedure is directed at the processing of Title VI or other Equal Opportunity (EO) complaints, as a general proposition, complaints alleging either discriminatory impact/effect in the context of environmental justice will follow the complaint processing described below.

1. Acceptance of the Complaint -Upon receiving a Title VI/ EO complaint, the Title VI Officer will determine whether the complaint states a valid claim. A copy of the complaint will immediately be forwarded to the Tennessee Human Rights Commission (THRC) for jurisdictional determination. If the complaint states a valid claim, it will be accepted for processing immediately and added to the complaint log. The complainant and ETHRA will be notified. In addition, the funding source for the program involved will immediately be notified that a complaint has been made and an investigation has begun. Both the funding source and THRC will receive regular updates regarding the case and a copy of the final decision (see Section 3).

2. Investigation - Once a complaint is accepted for processing, the Title VI officer will conduct a factual investigation to determine whether the action at issue constitutes discrimination based on race, sex, color, age, national origin, disability, handicap, family status, political affiliation or belief, citizenship or status of a lawfully admitted immigrant authorized to work in the United States, or any other category protected by federal or state law.

It is the general policy of the Title VI Officer to investigate all administrative complaints that have apparent merit and are complete or properly pleaded. Examples of complaints with no apparent merit might include those which are so insubstantial or incoherent that they cannot be considered to be grounded in fact.

A complete or properly pleaded complaint is:

1. In writing, signed, and provides an avenue for contacting, the signatory (e.g., phone number, address);
2. Describes the alleged discriminatory act(s) that violate Title VI/ EO regulations (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, disability or other protected category);
3. filed within 180 calendar days of the alleged discriminatory act(s); and
4. identifies the recipient that took the alleged discriminatory act(s).

The Title VI Officer will make a determination to accept, reject, or refer (to the appropriate Federal agency) a complaint within seven (7) calendar days of acknowledgment of its receipt.

3. Processing complaints -

- a) The Title VI Officer will maintain a log of all complaints and appeals. The complaint will be noted in the log by case number based on year, month and sequence in which complaint was received.
- b) A copy of the complaint will also be forwarded to the alleged discriminatory service or program official.
- c) The investigating officer will initiate the investigation by first contacting the complainant by telephone within three (3) workdays of receiving the assignment to set up an interview.
- d) The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
- e) The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
- f) The investigating officer will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
- g) The investigating officer will contact the complainant at the conclusion of the investigation, but prior to writing the final report and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
- h) The investigation will be completed and a final report will be sent to the THRC, the program's funding source, the alleged discriminatory service or program, and the complainant within

sixty (60) calendar days of the date the complaint was received by Title VI Officer. The final report will include the following:

- (a) the written complaint containing the allegation, basis, and date of filing
 - (b) summarized statements taken from witnesses
 - (c) finding of facts
 - (d) opinion (based on all evidence in the record) that the incident is substantiated or unsubstantiated
 - (e) remedial action(s) for substantiated cases
- i) If corrective action(s) is recommended the alleged discriminatory agency will be given thirty (30) calendar days to inform the Title VI Officer of the actions taken for compliance.
 - j) Corrective actions can be in the form of actions to be taken at a future date after the initial thirty (30) days, with projected time period(s) in which action will be completed.
 - k) If the recommended corrective action(s) have not been taken within the thirty (30) day time period allowed (or any extension), the recipient will be found to be in noncompliance with Title VI and implementing regulations, and a referral will be made to the THRC and the program's funding source for enforcement action.

4. Appeals Procedures-

- a) The complainant has the right to appeal all written reports to the THRC, and/or the program's funding source.
- b) This appeal must be made in writing to the Title VI Officer within fourteen (14) days of receipt of the Department's final report.
- c) The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for disagreement.
- d) The Title VI Officer will forward this appeal within seven (7) calendar days to the THRC and the program's funding source for review.

A person may file a complaint directly with the **Federal Transit Administration** at:
FTA Office of Civil Rights
1200 New Jersey Avenue SE
Washington, D.C. 2059

Or you may contact **Tennessee Department of Transportation** by calling (615) 741-3681 or 1-888-370-3647 or by visiting www.tdot.state.tn.us/civil-rights/titlevi