

Title VI Civil Rights Discrimination Complaint Procedures Disadvantaged Business Enterprise (DBE) Complaint Procedures

**Shoreline Metro
November, 2007**

I. General / Background

- a. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination of any person based upon race, color or national origin in the provision of transportation services and transit related benefits.
- b. Guidance is provided in FTA Circular 4702.1A and US DOT regulations, "nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act", 49 CFR Part 21.
- c. FTA Circular 4716.1A "Disadvantaged Business Enterprise Requirements for Recipients and Transit Vehicle Manufacturers", states in Chapter III (Compliance and Enforcement), 1. Complaints – that, "Investigations of such complaints are conducted by the DOT pursuant to Title VI (Civil Rights Act of 1964) investigation procedures (49 CFR Part 21)".

II. Complaint Submission

- a. Any person who believes that he or she, individually or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin may file a written complaint.
- b. Generally, a complaint should be submitted within 30 days after the date of the alleged discrimination. Late complaint filings may lead to a finding of an untimely complaint.
- c. Written and signed complaints of discrimination shall be submitted to:

**Transit Director
Shoreline Metro
608 S. Commerce St.
Sheboygan, WI 53081**

920-459-3285

- d. Persons who do not wish to have their complaint handled by Shoreline Metro may send their complaint to:

Civil Rights Officer
Federal Transit Administration, Region V
200 W. Adams Street, Suite 320
Chicago, IL 60606

312-353-2789

- e. Verbal Complaints – IN cases where the complainant is unable or incapable of providing a written statement, but wishes an investigation of alleged discrimination, a verbal complaint if discrimination may be made. If necessary, the Transit Director will assist the person in converting verbal complaints to writing. All complaints, whether written or verbal complaints converted to writing must be signed by the complainant or his or her representative.

III. Complaint Format

- a. All complaints must be in writing and signed by the complainant or his / her designee representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
- b. Shoreline Metro will provide the complainant or his/her representative with a written acknowledgement that Shoreline Metro has received the complaint within 10 working days of receipt.

IV. Determination of Investigative Merit

- a. The Transit Director based on the information in the complaint and regulatory guidance provided by FTA, will determine whether the complaint has merit to warrant investigation. This determination will be made within 15 working days after the receipt of the complaint. A complaint shall be regarded as meriting investigation unless:
 - 1. It clearly appears on its face to be frivolous or trivial,
 - 2. Within the time allotted for making the determination of investigative merit, the complainant withdraws the complaint.

V. Request for Additional Information From Complainant

- a. In the event that the complainant has not submitted sufficient information to make a determination of investigative merit, the Transit Director may request additional information.
- b. The request for additional information shall be made within 15 days of the receipt of the complaint and will require the complainant submit the additional information within 15 working days from the date of the original request.
- c. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit.

VI. Notification of Disposition to Investigation

- a. The Transit Director shall notify within five (5) working days by registered letter the complainant of the disposition to investigate:
 1. In the event of a decision not to investigate the complaint, the notification shall specifically state the reason for the decision,
 2. In the event the complaint is investigated, the notification shall inform the complainant that the investigation will take place and request any additional information needed to assist the Transit Director in preparing for the investigation.

VII. Complaint Investigation

- a. Review, laws, regulations, circulars and other guidance related to the complaint.
- b. Review census tract data, alignment of transit routes of fixed route service, service logs of paratransit service, frequency of transit service, distribution of transit facilities and other issues relevant to the complaint.
- c. Review any past history of complaints.
- d. Contact Wisconsin Department of Transportation DBE Office with respect to complaints concerning denial of DBE vendor certification status.

- e. Contact City Purchasing Agent with respect to complaints about award contracts.
- f. Interview principal participants in, and witnesses to, the alleged act(s) of discrimination.
- g. Follow up with interviews of additional witnesses or principal participants identified in the initial or subsequent interviews.
- h. Review documentation, forms, letters, memoranda and videotapes that may be relevant to the complaint.

VIII. Investigation Report

- a. Provide a summary of the complaint, including a statement of the issues raised by the complainant and the City's reply to each of the allegation.
- b. Cite relevant Federal, State, and local laws, rules regulations and guidelines.
- c. Describe the investigation, including a list of persons contacted and a summary of the interview conducted.
- d. Provide a statement of findings and recommendations.

IX. Disposition of Complaint

- a. At the conclusion of the investigation, a registered letter will be sent to the complainant stating the results of the investigation.
- b. Where a Civil Rights and/or DBE noncompliance issue has been identified, the Transit Director will work with the complainant to resolve the noncompliance issue.
- c. Where no Civil Rights and/or DBE violation has been identified, the Complainant will be informed in the registered letter that they may pursue their complaint with the FTA or USDOT.
- d. The complaint file will be retained for a minimum of one (1) year.
- e. A listing of the complaint will be retained for a minimum of five (5) years.