

TITLE VI DISCRIMINATION COMPLAINTS

An individual subjected to discrimination or who has identified possible noncompliance with associated regulations may have the right to file a complaint. The intent of the discrimination complaint procedures established below is to provide an avenue to raise complaints 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 (ADA) of 1990. ITD prohibits intimidation and retaliatory acts against complainants in accordance with 49 CFR 21.11.

Complainants may file through:

- The ITD Office of Civil Rights
- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- U.S. Department of Transportation (USDOT)
- U.S. Department of Justice (USDOJ)
- Federal Motor Carrier Safety Administration (FMCSA)
- Federal Aviation Administration (FAA)

ITD will forward all complaints against the department directly to FHWA Headquarters Civil Rights for processing and investigation.

For questions or information on how to file a complaint, please see below for ITD Office of Civil Rights contact information:

Taylor Bothke

Office of Civil Rights Program Manager/Title VI/Nondiscrimination Coordinator

Email: Taylor.Bothke@itd.idaho.gov

Phone: (208) 334-8884

I. TITLE VI COMPLAINT PROCESS

The OCR uses the following, detailed internal procedures for prompt processing and resolution of all Title VI complaints received directly by any of its departments having responsibilities under the Title VI and the related nondiscrimination statutes. These procedures include:

1. Any person, group of persons, or entity believing to be a subject of discrimination under Title VI of the Civil Rights Act may file a written complaint with the OCR Title VI Coordinator. A complainant can have a representative file a complaint on his or her behalf.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 calendar days after:

- a. The date of the alleged act of discrimination; or
 - b. When there has been a continuing course of conduct, the date which that conduct ceased.
3. Complainant(s) should file a complaint in writing to the ITD Title VI Coordinator. Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination. If a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the Title VI Coordinator shall interview the person. If necessary, the staff coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. ITD will handle these complaints in the usual manner.
4. Upon receipt of the signed complaint form, the Title VI program Coordinator will log in the complaint, determine the basis of the complaint, authority/jurisdiction, and assign an investigator.
5. The Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint. ITD will not 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; or,
 - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.
6. The Title VI Coordinator will investigate the complaint and log the following information within ten (10) calendar days of receipt of the allegation(s):
 - a. Name, address, and phone number of the complainant.
 - b. Email address if available.
 - c. Basis of complaint (i.e., race, color, national origin, sex, age, religion, disability/handicap, income).
 - d. Date of the alleged discriminatory act(s).
 - e. Date of complaint received by the recipient.
 - f. A statement of the complaint.
 - g. Other agencies (state, local or federal) where the complaint was filed.
 - h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.
7. Within ten (10) business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken, or proposed action to take to process the allegation(s). The notification letter shall contain(s):
 - a. The basis of the complaint.

- b. A brief statement of the allegation(s) over which ITD has jurisdiction.
 - c. A brief statement of the ITDs jurisdiction over the recipient to investigate the complaint; and,
 - d. An indication of when ITD will contact the parties.
8. If the complaint is against a contractor or subrecipient(s), ITD will have (15) business days from the receipt of the complaint to advise the appropriate state or federal agency (e.g., OFCCP for Federal contract compliance issues) of the receipt of a complaint, and the status of the investigation.
9. The Title VI Coordinator will work with appropriate parties to conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, national origin, sex, age, and disability/ or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complainant filed; and any other pertinent information the investigation team feels is relevant to the complaint. ITD records all interviews either on audio tape or by taking notes. ITD makes every effort to obtain early resolution of complaints at the lowest level.
10. Within (15) business days of receiving comments from the federal or state agency, the Title VI Coordinator will meet with all parties to the complaint to discuss the comments received by the federal or state agency.
11. Within sixty (60) calendar days from the date of receiving the original complaint the Title VI Coordinator will coordinate and prepare the written investigative report. The investigative report will include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. ITD's Title VI Coordinator will finalize a draft report before sending it to the ITD Legal Section.
12. The Attorney will review the investigative report and meet with the Title VI Coordinator and the Human Resource Manager to determine the appropriate action. Within ninety (90) calendar days of receipt of the complaint, the Title VI Coordinator will issue a "Letter of Findings" to the complainant.
13. If there is no complaint resolution to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The complainant must file the appeal in writing no later than (180) calendar days after the date of the alleged discrimination, unless the Secretary of Transportation extends the filing period:

U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590

14. A complainant may file a complaint with the Secretary; U.S. Department of Transportation, or its Operating Administration, the Federal Highway Administration (FHWA) before, during, or after the complainant files with ITD.