

Title VI Complaint Procedures

The complaint procedures outlined herein apply to the Durham Chapel Hill Carrboro Metropolitan Planning Organization (MPO) and other primary recipients and sub-recipients of Federal financial assistance. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973 and other nondiscrimination authorities relating to any program, services, or activities administered by the MPO and its sub-recipient consultants and contractors.

The MPO will make every effort to obtain early resolution of complaints at the lowest level possible. Complaints of alleged discrimination will be investigated by the appropriate authority. All complaints against the MPO will be investigated by North Carolina Department of Transportation (NCDOT). The MPO Title VI Coordinator will investigate sub-recipient, consultants and contractors. The option of informal mediation meeting(s) between the affected parties and the MPO staff may be utilized for resolution. Upon completion of each investigation, the MPO or NCDOT staff will inform every complainant of all avenues of appeal.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the MPO for processing complaints under Title VI of the Civil Rights Act of 1964 and authorities.

Filing of Complaints

1. **Applicability** – The complaint procedures apply to the beneficiaries of the MPO’s programs, activities, and services, including but not limited to the public, contractors, subcontractors, and other sub-recipients of federal and state fund.
2. **Eligibility** – Any person or class or persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the MPO authorities, based upon race, color, sex, age, national origin or disability may file a written complaint with the MPO. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - a. **Date of the alleged act of discrimination; or**
 - b. **Date when the person(s) became aware of the alleged discrimination; or**
 - c. **Where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.**
 - d. **Title VI complaints may be submitted to following entities:**
 - i. **City Of Durham Department of Transportation,**
 - ii. **North Carolina Department of Transportation, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; (919) 508-1830 or toll free (800) 522-0453**
 - iii. **US Department of Transportation – Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington D. C. 20590; (202) 366-4070**

1. **Federal Highway Administration** – Office of Civil Rights, 1200 New Jersey Avenue SE, 8th Floor, E81-314, Washington D. C. 20590; (202) 366-0693/366-0752
 2. **Federal Highway Administration** - North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601; (919)747-7010
 3. **Federal Transit Administration** – Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue SE, Washington D. C. 20590
 - iv. **US Department of Justice** – Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue NW, Washington D. C. 20530; (202) 514-6255 or toll free (877)218-5228
4. **Format of Complaints** – Complaints shall be in writing and signed by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or email will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages including Braille.
5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age or disability. The term ‘basis’ refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups or perception, based usually on physical characteristics that a person is a member of a racial group.	Black /African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, Light Brown, Dark Brown, etc.
National Origin	Place of Birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also cover by national origin.	Mexican, Chinese, Japanese, Cuban, Vietnamese, ect.
Sex	Gender	Men, Women
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary or perceived	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

Complainant Notification

1. When a complaint is received, the MPO Title VI Coordinator will provide written acknowledgement to the Complainant within ten (10) business days by registered mail.
2. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent / Release form.
3. If the complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 30 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Within 15 business days from receipt of a complete complaint, the MPO or NCDOT will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the MPO or NCDOT will notify Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds for the MPO's or NCDOT's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
5. If the complaint is incomplete, the Complainant will be contacted in writing or by telephone to obtain the additional information. The Complainant will be given 15 Calendar days to respond to the request for additional information.
6. The Complainant will be notified that the MPO or NCDOT will attempt to resolve complaints within 180 days after the MPO or NCDOT has accepted the complaint for investigation.