



Title VI and Title II

Ensuring Justice

External Complaint Procedures

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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 Iowa Department of Transportation's programs, activities and services as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the Iowa Department of Transportation. These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), including Section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Discrimination in Employment Act of 1967 (ADEA), Civil Rights Restoration Act of 1987 (CRRA), the Americans with Disabilities Act of 1990 (ADA)(Title II), Executive Order 12898 Environmental Justice, Executive Order 13166 Limited English Proficiency, Disadvantaged Business Enterprises (DBE), Equal Employment Opportunity (EEOC), and On-the Job Training (OJT) Program components and applicable Department policies, regarding any program or activity administered by the Iowa Department of Transportation as they relate to local agencies, contractors and other sub-recipients of United States Department of Transportation funds. These procedures apply to complaints filed against a program or activity funded by the Federal Highway Administration, the Federal Transit Administration or the Federal Aviation Administration.

Intimidation or retaliation is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency (Iowa Labor Services, ICRC, EEOC, U.S. Dept. of Transportation, FHWA, FTA, or U. S. Dept. of Justice) or to seek private counsel for complaints alleging discrimination.

Title VI procedures are part of an administrative process, which do not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible and with guidance of the USDOT modality (FHWA, FTA, FAA) with jurisdiction over the matter per 49 CFR 21.11 (d)(1). The option of formal mediation meeting(s) between the affected parties may be utilized for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

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 Iowa Department of Transportation Office of Employee Services - 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 Employee Services - Civil Rights
Iowa Department of Transportation
Attn. Civil Rights Coordinator
800 Lincoln Way
Ames, Iowa 50010

Roles and Responsibilities

- The Office of Employee Services Director and Civil Rights Coordinator has overall responsibility for the discrimination complaint process and procedures.
- The Office of Employee Services Director, Civil Rights Coordinator, Title VI Specialist and Title VI Committee Members serve as points of contact statewide for the public to initiate complaints of discrimination.
- The Civil Rights Coordinator is responsible for conducting an impartial and objective investigation, collecting factual information and preparing 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 Iowa Department of Transportation's programs, activities, and services, including but not limited to the public and other sub-recipients of Federal Transportation funds.

2. ELIGIBILITY

Any person who believes that he/she has been excluded from participation in, or has 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, Title II and related statutes.

3. TIME LIMITATIONS AND FILING OPTIONS

Title VI complaints of discrimination may be filed with:

- The Office of Employee Services-Civil Rights of the Iowa DOT
- Federal Highway Administration

- Federal Transit Administration
- U.S. Department of Transportation
- Iowa Labor Services Division
- U.S. Department of Justice

In all situations, Iowa Department of Transportation Civil Rights staff must immediately forward Title VI discrimination complaints to either 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 must be sufficiently 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.	Visual Impaired, Hearing Impaired, 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 socioeconomic status.

Complaint Procedures

1. INITIAL CONTACT

The Office of Employee Services Director, Civil Rights Coordinator, Title VI Specialist and Title VI Committee Members will provide complainants with:

- An explanation of their filing options.
- The discrimination complaint procedures.
- The Title VI Discrimination Complaint Form (107009).
- The Title II Discrimination Complaint Form (131103)
- The brochures, titled The Title VI and You and/or Title VI Sub-Recipient Guide Brochure(s).”

2. THE COMPLAINT REVIEW PROCESS – Title VI

a. The Civil Rights Coordinator reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and is appropriate for investigation.

- If the complaint is not appropriate for investigation the complainant will be notified in writing and is provided with his/her rights under Title VI.

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 timely filed.
- Any issues that do not involve discrimination, or are not based on a protected category will be directed to the appropriate entity. Under no circumstances is the complainant to be 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 District Engineer or Office Director when the complainant(s) or respondent(s) are located in their District or Program Area. The letter will list the names of the parties involved, the basis of the complaint and the assigned investigator.

f. The Civil Rights Coordinator is responsible for the overall Title VI program implementation. This Civil Rights Coordinator is appointed by the Manager of the Office of Employee Services who reports to the Operations and Finance Director who reports directly to the Director of the Iowa Department of Transportation.

3. THE ADA WORK REQUEST PROCESS – Title II/ADA

- a. When a complaint of an ADA violation is received by the ADA Coordinator, the action to be taken will be determined in order to resolve the complaint. If the complaint is a request for services or modifications to facilities, then the ADA Coordinator will forward the request to the appropriate office for handling.
- b. The District Offices may receive a work request for services or for a modification of some part of Iowa DOT's facilities that, currently, do not meet ADA guidelines. The district or program office, upon receipt of an ADA-related work request, will direct it to the ADA Coordinator. The ADA Coordinator will forward the request to the appropriate office for handling. The ADA Coordinator will log-in the request in its work request system.
- c. After a review of the work request and an assessment has been completed and the modification required by the work request for ADA compliance is too costly, then the district or program office will submit a proposal to the Highway Division Director for a determination. A modification can be determined to be unduly burdensome and, therefore, not be provided. But, consideration of all reasonable alternations must be exhausted and a detailed cost estimate must be made and kept on file. Complaints may be received by phone, by fax, by email or in person.
- d. When an ADA-related work request is not completed by the Iowa DOT within a reasonable amount of time and the person making the complaint believes their civil rights have been violated, then a complaint may be filed in accordance with the Iowa DOT's Complaint Procedures under the Americans with Disabilities Act.

Investigation Process

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;
- 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 shall address only those issues relevant to the allegations in the complaint.
- Confidentiality shall be maintained.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint.
- Interviews may be tape recorded with the interviewees consent.
- A chronological contact sheet is maintained in the case file throughout the investigation.

3. INVESTIGATION REPORTING PROGRESS – Title VI

- Within 40 days of receiving the complaint, the investigator prepares an Investigative report and submits the report and supporting documentation to the Operations and Finance Director for review.
- The Operations and Finance Director reviews the file and investigative report. Subsequent to the review, the Civil Rights Coordinator, makes a recommendation and prepares a letter for review and signature for the Operations and Finance Director.
- The Civil Rights Coordinator shall prepare and submit a written report, outlining the following complaint details:
 - a. Date of written complaint;
 - b. Complaint basis (race, color, national origin, etc.);
 - c. Complaint disposition.

4. INVESTIGATION REPORTING PROGRESS – Title II/ADA

- Within 15 calendar days of receiving the complaint, the ADA Coordinator or his designee may meet with the complainant to discuss the complaint and the possible resolutions.
- Within 15 calendar days of the meeting, the ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the positions of the Iowa DOT and offer options for substantive resolution of the complaint.
- If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Highway Division Director.
- Within 15 calendar days after receipt of the appeal, the Highway Division Director or his designee may meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting,

the Highway Division Director or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a letter of finding to the complainant.

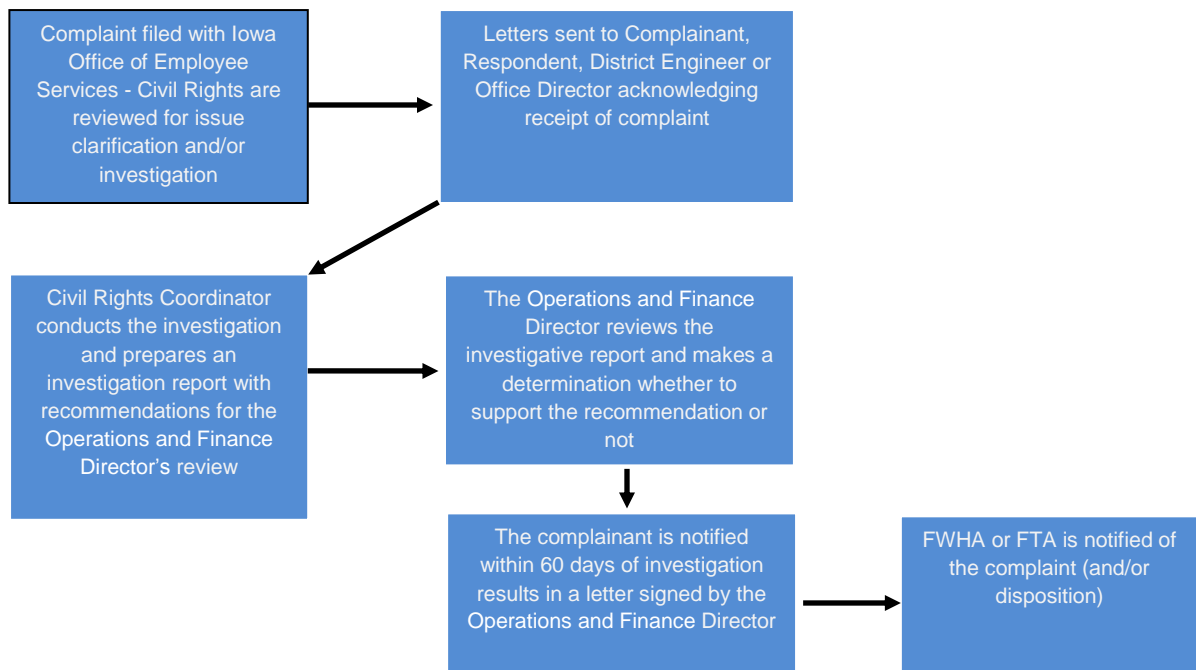
Reporting Requirements

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.

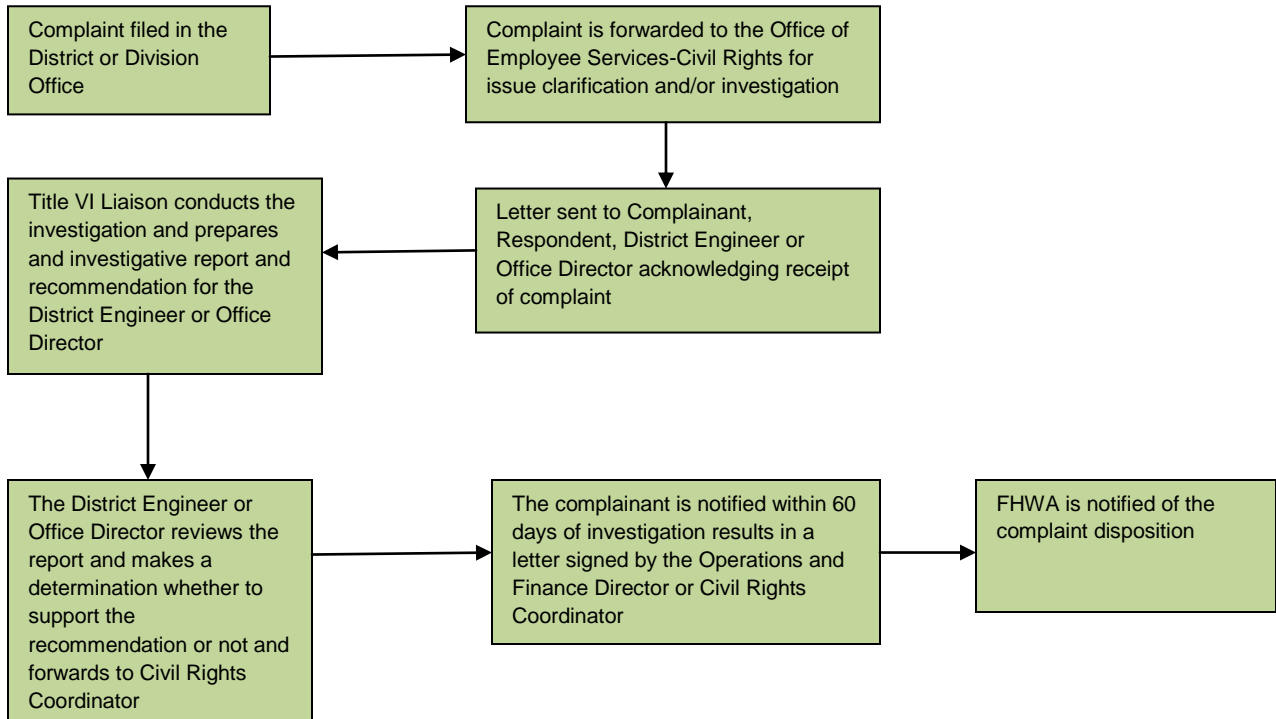
Records

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

Complaint Process Flow Chart – Complaints filed with OES



Complaint Process Flow Chart – Complaints filed with Districts/Program Offices



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.