

TITLE VI COMPLAINT PROCEDURE

September 2021

THE HOUSTON-GALVESTON METROPOLITAN PLANNING AREA



FILING A TITLE VI COMPLAINT

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by the nondiscrimination provisions of Title VI may file a written complaint with the Houston-Galveston Area Council (H-GAC) Title VI Coordinator. Complaints must be completed and submitted on the H-GAC Title VI complaint form. A blank complaint form is available at the end of this document or can be downloaded from www.h-gac.com/title-vi-program. Instructions on how to file a Title VI complaint are also available online in Spanish, Chinese, and Vietnamese.

GENERAL GUIDELINES

(a) When to File

A complaint of discrimination must be filed within 180 calendar days after the alleged incident occurred or was discovered or, (where there has been a continuing course of conduct), within 180 calendar days after the date on which the conduct was discontinued. Filing means a written complaint must be postmarked or received at the proper offices of H-GAC. The filing date is the day you mail or deliver a completed and signed complaint form. Complaints received more than 180 days after the occurrence of the alleged discrimination will not be processed but will be returned to the complainant with a letter explaining why the complaint could not be processed.

(b) Required Format of the Complaint

H-GAC will only process complaints that are complete. To be processed, the complaint must include the following information:

- Name, address and phone number of the complainant;
- Signature of the complainant(s);
- The date of the alleged act of discrimination or, if a continuous act of discrimination, the date on which that conduct was discontinued or the latest instance of the conduct;
- A detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident;

(c) Alternate Form of Delivery

- Complaints received by fax or e-mail will be acknowledged once the identity of the complainant and the intent to proceed with the complaint have been established.
- An original complaint form sent by fax or email transmittal must be signed by the complainant for H-GAC to be able to process the complaint.
- Complaints of alleged discrimination received by telephone will be reduced to writing and kept on file. A complaint form will be forwarded to the complainant for them to complete, sign, and return to H-GAC for processing.

COMPLAINT REVIEW PROCESS

The following is a description of how a Title VI discrimination complaint will be handled once received by H-GAC.

(a) Verification of Jurisdiction

- Upon receipt of the complaint the Title VI Coordinator shall determine if there is appropriate jurisdiction, acceptability, or the need for additional information before beginning to investigate the merits of the complaint.
- In cases where the complaint is against a subrecipient who receives federal funds from H-GAC, H-GAC will assume jurisdiction and will investigate and adjudicate the case. Complaints against H-GAC may be investigated by the H-GAC Title VI Coordinator or else referred to the Texas Department of Transportation (TXDOT), the Federal Highway Administration (FHWA), or the Federal Transit Administration (FTA), as appropriate, for proper disposition according to their procedures.

(b) Review of Adequacy

To be accepted, a complaint must meet the following criteria:

- The complaint must be filed within 180 calendar days of the alleged incident or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a covered basis such as race, color, or national origin,
- The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity that opens its doors to the public.
- The complainant(s) must be willing to accept reasonable resolution based on H-GAC's administrative authority. H-GAC shall determine what is considered reasonable.

(c) Dismissal of Complaints

A complaint may be dismissed for the following reasons:

- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- The complainant cannot be located after reasonable attempts.

(d) Initial Written Notice to Complainant

The complainant will be notified in writing within 10 working days of receipt of the complaint if a determination is made that the matter is outside the scope of Title VI or H-GAC's jurisdiction. If the matter is determined to be within the scope of Title VI and in H-GAC's jurisdiction, the Title VI Coordinator will notify the complainant and begin an investigation within 10 working days of receipt of the complaint.

(e) Investigation of Complaint

The Title VI Coordinator, in consultation with the department or subrecipient identified in the complaint, will investigate the matter, focusing on the following:

- The basis of the alleged unequal treatment.
- When and where the unequal treatment occurred.
- Identification of, and consultation with all relevant parties.
- A review of all pertinent documents and records reasonably available.
- Gathering all other factual records from appropriate sources.

H-GAC Title VI officials shall maintain a record of all discussions and documents relating to the investigation in a confidential file. Upon the conclusion of a thorough investigation, the Title VI Coordinator shall prepare a report summarizing the findings and suggesting a proposed resolution, including any appropriate corrective action. Except in extenuating circumstances, the investigation will be conducted and completed within 60 days of the receipt of the formal complaint after which the investigative report will be submitted to the H-GAC Executive Director.

(f) Notification of Final Adjudication

The H-GAC Executive Director shall either accept, reject or modify the investigative report. Written notification of the findings and proposed resolution will be provided to the complainant within 30 days of the Executive Director receiving the investigative report.

(g) Appeal of Final Adjudication

The complainant may file a request for reconsideration within 30 days of the date the complainant receives the written proposed resolution. Any affected party may submit information and/or documentation in writing to the Title VI Coordinator in support of their request for reconsideration of the proposed resolution. Upon review of the additional information and documentation, the Title VI Coordinator and the H-GAC Executive Director will have 10 days to either reaffirm, reverse, or modify the original resolution and to provide written notice to the complainant of this decision. If neither party requests a reconsideration of the decision, the resolution will become final upon the expiration of 10 days after the decision is made.



HOUSTON-GALVESTON AREA COUNCIL

COMPLAINT NO. _____

Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Environmental Justice component of Title VI guarantees fair treatment for all people and provides for H-GAC, to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations, such as undertaking reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information H-GAC provides.

H-GAC works to ensure nondiscriminatory transportation in support of our mission to be the Gulf Coast Region leader in providing effective, coordinated and integrated multimodal transportation solutions to enhance the social and economic quality of life for all Gulf Coast Region citizens. H-GAC's Contract Compliance Program Office is responsible for Civil Rights Compliance and Monitoring to ensure non-discriminatory provision of transit services and programs.

NAME:	HOME NO.:
EMAIL ADDRESS:	WORK NO.:
MAILING ADDRESS:	CITY:
	STATE: ZIP:
Please indicate the basis of your complaint:	
<input type="checkbox"/> Race _____ <input type="checkbox"/> Age _____ <input type="checkbox"/> National Origin _____ <input type="checkbox"/> Color _____ <input type="checkbox"/> Gender _____ <input type="checkbox"/> Disability _____	
Date and place of alleged discriminatory action(s). _____ (Please include the earliest date of discrimination and the most recent date of discrimination.)	
Name(s)/Position title(s) of the person(s) who allegedly subjected you to Title VI discrimination:	
How were you discriminated against? Please describe the nature of the action, decision, or conditions of the alleged discrimination. Be as clear as possible in your description of what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (You can attach additional pages, if necessary.)	

The law prohibits intimidation or retaliation against anyone because s/he has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attach additional pages, if necessary.)

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you filed, or do you intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

U.S. Department of Transportation _____

Federal Highway Administration _____

Federal Transit Administration _____

Office of Federal Contract Compliance _____

U.S. Equal Employment Opportunity Commission _____

U.S. Department of Justice _____

Other: _____

Have you discussed the complaint with any H-GAC representative? If yes, provide the name, position, and date of discussion.

What remedy or action are you seeking for the alleged discrimination?

Please provide any additional information, documents, photographs, etc., if applicable, that you believe will assist in an investigation.

Sign and date the complaint below. *We are unable to consider unsigned complaints.*

Complainant's Signature _____ Date _____

FOR OFFICE USE ONLY

Date complaint received: _____	Case #: _____
Processed by: _____	Date Referred: _____

Referred to: USDOT FHWA FTA OFCCP Other: _____

Continuation Sheet: