

Title VI Complaint Procedures

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin. Subsequent laws and Presidential Executive Orders added disability, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a recipient of federal assistance, the SPC has adopted a Discrimination Complaint Procedure as part of its Title VI Plan to comply with Title VI and associated statutes.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, or any nondiscrimination authority, may file a complaint with SPC. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the SPC Title VI Coordinator for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
 - a. The date of the alleged act of discrimination; or
 - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued. In this case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
4. Within 10 days, the SPC Title VI Coordinator will acknowledge receipt of the allegation in writing; inform the complainant of action taken or proposed action to process the allegation; advise the respondent of their rights under Title VI and related statutes; and, advise the complainant of other avenues of redress available, such as the Pennsylvania Department of Transportation (PennDOT), the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA).
5. Within 10 days, a letter will be sent to the PennDOT Central Office, Civil Rights Division, and a copy to the FHWA Pennsylvania Division Office or other agency. This letter will list the names of the parties involved, the basis of the complaint, and the assigned investigator.
6. Generally, the following information will be included in every notification to the PennDOT Office of Civil Rights:
 - a. Name, address, and phone number of the complainant.
 - b. Name(s) and address(es) of alleged discriminating official(s).
 - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, income status, limited English proficiency).

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- d. Date of 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 has been filed.
 - h. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
7. Within 60 days, the SPC Title VI Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
 8. Within 90 days of receipt of the complaint, the SPC Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with PennDOT or the FHWA or other agency, if they are dissatisfied with the final decision rendered by SPC. SPC's Title VI Coordinator will also provide the PennDOT Civil Rights Central Office with a copy of the determination and report findings.
 9. In the case a nondiscrimination complaint that was originated at SPC is turned over to and investigated by PennDOT, FHWA or another agency, the SPC Title VI Coordinator will monitor the investigation and notify the complainant of updates, in accordance with applicable regulations, policies and procedures.
 10. In accordance with federal law, the SPC will require that applicants of federal assistance notify the SPC of any law suits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.
 11. The SPC will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and SPC's established procedures and guidelines.
 12. SPC will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by SPC.
 13. Records of complaints and related data will be made available by request in accordance with the Pennsylvania Freedom of Information Act.

Please provide the information on the following page(s) in order to process your complaint. Assistance is available upon request. This complaint may be mailed or delivered to:

Southwestern Pennsylvania Commission
Title VI Coordinator
Two Chatham Center, Suite 500
112 Washington Place
Pittsburgh, PA 15219

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You can reach the SPC Title VI Coordinator at (412) 391-5590, or you can send email to: TitleVI-Coordinator@spcregion.org. This complaint may also be mailed or delivered to:

Southwestern Pennsylvania Commission
Title VI Coordinator
Two Chatham Center, Suite 500
112 Washington Place
Pittsburgh, PA 15219

Southwestern Pennsylvania Commission

Title VI Complaint Form

Complainant's Name:

Street Address:

City:

State:

Zip Code:

Telephone No. (Home):

(Business):

Email Address:

Person discriminated against (if other than complainant):

Name:

Street Address:

City:

State:

Zip Code:

Telephone No.:(Home):

(Business):

The name and address of the agency, institution, or department you believe discriminated against you.

Name:

Street Address:

City:

State:

Zip Code:

Date of incident resulting in discrimination:

Describe how you were discriminated against. What happened and who was responsible? If additional space is required, please either use back of form or attach extra sheets to form.

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Does this complaint involve a specific individual(s) associated with SPC? If yes, please provide the name(s) of the individual(s), if known.

Where did the incident take place?

Are there any witnesses? If so, please provide their contact information:

Name:

Street Address:

City:

State:

Zip Code:

Telephone No.:

Name:

Street Address:

City:

State:

Zip Code:

Telephone No.:

Did you file this complaint with another federal, state or local agency; or with a federal or state court?

Yes No

If answer is Yes, check each agency complaint was filed with:

Federal Agency

State Court

Other

Federal Court

Local Agency

State Agency

Transit Agency (_____)

Please provide contact person information for the agency you also filed the complaint with:

Name:

Street Address:

City:

State:

Zip Code:

Date Filed:

Sign the complaint in the space below. Attach any documents you believe support your complaint.

Complainant's Signature _____

Signature Date: _____

For Internal Use Only: Log #: _____

Appeal Process

If the Complainant does not agree with the decision by the Respondent and cannot come to an informal agreement, the Complainant can directly file the complaint with:

Pennsylvania Department of Transportation
Bureau of Equal Opportunity
PO Box 3251
Harrisburg, PA 17101-3251

Federal Highway Administration
Pennsylvania Division Office
228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

Federal Transit Administration
Office of Civil Rights
Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

U.S. Department of Justice
Office for Civil Rights
810 7th Street, NW
Washington, DC 20531

Investigating External Complaints of Discrimination

The FHWA has jurisdiction to investigate complaints of discrimination filed under Title VI of the Civil Rights Act of 1964 (Title VI) and nondiscrimination statutes (i.e., the Federal-aid Highway Act of 1973 and the Age Discrimination Act of 1975), and Title II of the Americans with Disabilities Act of 1990 (ADA)/Section 504 of the Rehabilitation Act of 1973 (Section 504).

The FHWA and State Transportation Agency (STA) investigators gather relevant evidence in order to make an accurate finding of compliance or non-compliance with the law. At the completion of the investigation, the investigator prepares an Investigative Report and file which includes all the relevant facts and documents obtained during the investigation. The Investigative Report also includes a finding for each issue and recommendations for corrective action, if appropriate. The investigative file is forwarded to the FHWA Headquarters Office of Civil Rights for review and issuance of a Final Agency Decision. All Final Agency Decisions and dismissals are issued by the FHWA Headquarters Office of Civil Rights, including all ADA/Section 504 decisions that are processed by the FHWA. Decisions issued by the FHWA are final.

NOTES:

- Complaints filed under Title VI and nondiscrimination statutes against STA are investigated by the FHWA Headquarters Office of Civil Rights.
- Complaints filed under Title VI and nondiscrimination statutes against STA's sub-recipient or contractor are investigated by the STA.
- Complaints filed under the ADA/Section 504 are investigated by the FHWA Division Offices and STAs.

HOW TO FILE A COMPLAINT OF DISCRIMINATION DIRECTLY TO FHWA OR FTA

Any person, or any specific class of persons, either by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited under the statutes within the FHWA's jurisdiction may file a complaint with **the FHWA Headquarters Office of Civil Rights at 1200 New Jersey Avenue, SE. (HCR-40), Washington, DC 20590**. A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Complaints should be filed within 180-calendar days from the date of the alleged discriminatory act. Complaints should be in writing and provide an explanation of what happened, the complainant's contact information, basis of the complaint, identification of the respondent, sufficient information regarding the allegation(s), date(s) of the alleged act(s), and be signed by the complainant or the complainant's representative.

Complaints may be filed in person, via mail, fax, e-mail (which includes a copy of the signed/dated complaint as an attachment), or by other alternatives for any person requiring a reasonable accommodation.