

MID-COLUMBIA ECONOMIC DEVELOPMENT DISTRICT TITLE VI POLICY AND COMPLAINT PROCESS

Ref: FTA Circular 4702.1A Title VI and Title VI Dependent Guidelines for Federal Transit Administration Recipients

Purpose

The purpose of this policy is to establish guidelines to effectively monitor and ensure that the Mid-Columbia Economic Development District (MCEDD) is in compliance with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21.

Authorities

Title VI of the Civil Rights Act of 1964, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, 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.

Policy Statement

MCEDD assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, as amended, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MCEDD is committed to creating and maintaining programs and services that are free of all forms of discrimination.

Responsibilities

All employees of MCEDD shall follow the intent of these guidelines in a manner that reflects the organization's policy. Managers receiving information regarding violations of this order shall determine if there is any basis for the allegation and shall proceed with resolution as stated in the sections *Manager Responsibility* and/or *Investigation of Complaints and Appeal Process*.

Certification and Assurance

To ensure accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications and assurances is available on FTA's Web site. MCEDD complies with this instruction annually in order to receive FTA funding.

Notification of Protection Under Title VI

In order to comply with 49 CFR Section 21.9 (d) MCEDD has posted information for the public regarding the Title VI obligations and protections against discrimination afforded to the public by Title VI on the MCEDD website. MCEDD has also posted a notice of compliance with Title VI, which is visible to the public at the MCEDD office and directs

the public to the MCEDD website and to the appropriate phone number to inquire for more information. Additionally, this information is available upon request.

Providing Meaningful Access to Limited English Proficient (LEP) Persons

Title VI and its implementing regulations require that recipients of federal funds take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient. MCEDD partners with local nonprofits to provide translation services as necessary.

Manager Responsibility

Each Manager shall:

- A. Ensure that there are no barriers to service or accommodation that would prevent usage or access to services.
- B. Train subordinates as to what constitutes discrimination and barriers to access.
- C. Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.
- D. Notify the Executive Director in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

Title VI Complaint Procedures

In order to comply with 49 CFR Section 21.9(b), MCEDD has developed procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. Complainants, or their representative, may file a written complaint with the Title VI Complaint Coordinator at any time within one hundred and eighty (180) days from the date of the alleged discriminatory act.

Complaints shall state the name and address of the person and, if applicable, the name of the representative filing on behalf of the complainant, the name and address of the entity alleged to have committed the act of discrimination, and shall set forth the particulars of that action and contain such other information as shall be required by the Title VI Complaint Coordinator.

All complaints will include the following information:

- Name, address, and phone number of the Complainant
- Name, address, phone number and relationship of Representative to Complainant, if applicable
- Basis of complaint (i.e., race, color, national origin)
- Date of alleged discriminatory act(s)
- A statement of the complaint, including specific details, relevant facts and documentation

Complaints shall be mailed to 515 East Second Street, The Dalles, OR 97058 or faxed to 541-296-3283.

Investigation of Complaints and Appeal Process

MCEDD provides for staff to take complaints and then forward them to the Title VI Complaint Coordinator (Office Administrator) who categorizes, tracks them, and develops responses and forwards them to the MCEDD Executive Director for approval.

The Executive Director will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Customer will be notified of resolution.

An appeal request for review of a determination of unlawful denial of access or accommodation to services must be filed, in writing, within 60 calendar days of the incident. The written appeal must include the customer’s name, address, and telephone contact number. A statement of reason(s) why the applicant believes the denial of accommodation request or access to services was inappropriate is recommended. The MCEDD Board of Directors will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of the request. The applicant may submit documents or other information to be included with the record and considered in the review process. Anyone needing special accommodations may contact MCEDD at 541-296-2266 for assistance.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant’s pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

If the complainant is not satisfied with the outcome of the complaint, they have the right to file a complaint or lawsuit with one of the following organizations:

Organization Name and Address		
Washington State Department of Transportation Public Transportation Division Attn: Title VI Coordinator PO Box 47387 Olympia, WA 98504-47387	Federal Transit Administration Attn: Title VI Program Coordinator East Building, 5 th Floor – TCR 1200 New Jersey Ave, SE Washington, DC 20590	U.S. Department of Justice Civil Rights Division Coordination and Review Section – NWB 950 Pennsylvania Ave, NW Washington, DC 20530

Disposition of Complaints and Resolution

Sustained Complaints- If the complaint is substantiated and a probable cause of a discriminatory practice based on race, color, or national origin is found to exist, MCEDD shall endeavor to eliminate said practice by means of a Remedial Action Plan. The Remedial Plan shall include: a list of all corrective actions accepted by the agency; description of how the corrective action will be implemented; and a written assurance

that the agency will implement the accepted corrective action in the manner discussed in the plan.

Unsustained Complaints- If there is insufficient evidence to either prove or disprove the allegation(s) both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaint- If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints- If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Recording Title VI Investigations, Complaints and Lawsuits

In order to comply with 49 CFR Section 21.9(b), MCEDD prepares and maintains a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming MCEDD that allege discrimination on the basis of race, color, or national origin. This list includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. The MCEDD Title VI Complaint Coordinator maintains these files until closed. The MCEDD Title VI Specialist will maintain a log of all complaints received. Records will be stored according to state and federal record retention requirements. Tracked information will be reported to WSDOT as the grantor of the funds as required in the WSDOT "Guide to Managing Public Transportation Grants." MCEDD has had no Title VI investigations, complaints or lawsuits that have occurred.

Additional Information Upon Request

At the discretion of FTA, information other than that required by the referenced circular may be requested, in writing, from MCEDD in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. The MCEDD Title VI Complaint Coordinator is available to provide additional information as needed and to respond to any inquiry.