

Title VI Complaint Procedures

The complaint process follows the California Department of Transportation's (Caltrans) procedures. Caltrans has the principal responsibility for processing, investigating, and resolving any complaint arising as a result of operations of its subrecipients such as KCAG.

Any person who believes he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, may file a complaint by completing and submitting KCAG's Title VI Complaint Form. The basis of the complaint must be (a) unequal treatment because of race, color, national origin, gender, age, and/or disability, or (b) noncompliance with Title VI rules or guidelines adopted there under. Every effort will be made to resolve the complaint(s) information at the MPO and consultant level. KCAG investigates complaints received no more than 180 days after the alleged incident. KCAG will only process complaints that are complete.

For complaints of discrimination by member agencies of KCAG, KCAG will be responsible for processing, investigating, and resolving those complaints. Complaints received by KCAG will be forwarded to the Department of Transportation Civil Rights Office in Sacramento, California.

Complaints may also be filed directly with the Federal Transit Administration through the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590. If information is needed in a different language, contact 559-852-2654.

As a recipient of federal dollars, KCAG is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. KCAG has in place a Title VI Complaint Procedure, which outlines the process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1B dated October 1, 2012. The complaint procedure has five steps, outlined below:

1. Submission of Complaint

Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, or limited means (low-income) status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through KCAG may file a written complaint by completing and submitting the agency's Title VI Complaint Form to the KCAG Title VI Coordinator. Such a complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred. The KCAG Title VI Complaint Procedures and Complaint Forms are available online at www.kingscog.org.

2. Review of Complaint

- a. Upon receipt of the Complaint, the Executive Director as Title VI Coordinator or his/her Designee, shall review, investigate and evaluate the Complaint. The Complainant will receive an acknowledgement letter by registered mail informing him/her whether the complaint will be investigated by KCAG within 10 business days of receipt of the complaint.
- b. The Title VI Coordinator shall complete the review no later than 45 calendar days after the date KCAG received the Complaint.
- c. If more time is required, the Title VI Coordinator shall notify the Complainant in writing of the estimated time-frame for completing the review. If more information is needed to resolve the case, the Title VI Coordinator may contact the Complainant. The Complainant has 10 business days from the date of the letter to submit requested information to the Title VI Coordinator. Failure of the Complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit, and KCAG can administratively close the case.
- d. A case can be administratively closed also if the Complainant no longer wishes to pursue their case.
- e. Upon completion of the review by the Title VI Coordinator, an investigative report and findings of the complaint will be sent to KCAG's legal counsel for review. The Executive Director, as Title VI Coordinator, shall, based on the information before him/her and in consult with legal counsel, make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the Title VI Coordinator may recommend improvements to KCAG's processes relative to Title VI and environmental justice, as appropriate.

3. Determination of Complaint

Determination on the disposition of the complaint shall be made within 10 business days from the date of the investigative report. Notice of the Executive Director's determination shall be mailed to the Complainant as either a closure letter or letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action, will occur.

4. Appeal

If the complainant wishes to appeal the decision, he/she has 10 calendar days after receipt of the Executive Director's written decision. The complainant may either request a reconsideration by the KCAG Executive Director if new facts not previously considered are made available, or appeal the Executive Director's response to the complaint by submitting a written appeal to the KCAG Transportation Policy Committee

for investigation. The complainant is entitled to review the denial, to present additional information and arguments, to separation of functions (i.e. a decision by a person or body of persons not involved with the initial decision to deny eligibility), and to receive written notification of the decision of the appeal and the reasons for it.

5. Submission of Complaint to the Federal Transit Administration

If the complainant is dissatisfied with KCAG's resolution of the complaint, he/she may file a complaint directly with the FTA:

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

6. Final Remedial Action Plan

A copy of the complaint and KCAG's investigation report/letter of finding and a Final Remedial Action Plan will be issued to FTA within 90 calendar days of the receipt of the complaint. After receiving FTA's comments, briefings may be scheduled with all relevant parties to the complaint. A summary of the complaint and its resolution must be included in the Annual Report to the FTA.