

## NONDISCRIMINATION COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 as they relate to any program or activity administered by ADOT or its subrecipients funded by the Federal Transit Administration. Intimidation or retaliation as a result of a complaint is prohibited by law.

In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the ADOT and subrecipient level.

### PROCEDURES

- A. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, age, sex, disability, income status or limited English Proficiency (LEP) may file a formal complaint with ADOT's CRO. A copy of the Complaint Form may be accessed electronically at:

<https://azdot.gov/sites/default/files/2019/08/adot-nondiscrimination-complaint-form.pdf>

- B. The complaint must be filed within 180 days of the alleged discrimination, the date the alleged discrimination became known to the complainant or the last date of the incident.
- C. The complaint must be written and signed by the complainant and shall include:
1. The complainant(s) name, address and phone number.
  2. A detailed description of the alleged incident that led the complainant to believe discrimination occurred.
  3. The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date the conduct was discontinued.
  4. The names and job titles of those parties involved in the complaint.
  5. The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (race, color, national origin, or disability).
  6. Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations.
  7. The corrective action being sought by the complainant.
- D. Complaints may be filed by one of the following methods:
1. By completing and signing the Complaint Form and delivering it in person or by mail.
  2. By emailing or faxing the Complaint Form and sending the signed original to the CRO.
  3. By calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature and return.
  4. By electronically submitting and digitally signing the Complaint Form.

- E. Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.
  - 1. Complaints against ADOT or its subrecipients in FHWA funded programs will be referred to FHWA for processing.
  - 2. Complaints against ADOT under all other USDOT federally-funded programs fall under ADOT's authority and jurisdiction.
- F. For acceptance, a complaint must be:
  - 1. Timely filed.
  - 2. Involve a covered basis (race, color, national origin, or disability).
  - 3. Within ADOT's authority.
- G. Complaints may be dismissed if the complainant:
  - 1. Requests the withdrawal of the complaint.
  - 2. Fails to respond to repeated requests for additional information.
  - 3. Fails to cooperate in the investigation.
  - 4. Cannot be located after reasonable attempts to reach the complainant have been made.
- H. ADOT CRO will maintain a confidential log of accepted and/or forwarded Title VI Complaints which will include:
  - 1. Name of complainant(s).
  - 2. Date the complaint was received.
  - 3. Date of the allegation.
  - 4. Description of the alleged discrimination.
  - 5. Other relevant information, as needed.
  - 6. Report date.
  - 7. Recommendations.
  - 8. Outcome/Disposition.

A copy of the Complaint Log is included in this plan as Attachment E.

- I. Upon accepting a complaint, the CRO investigator will:
  - 1. Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the CRO's written notification to furnish a written response.
  - 2. Determine if more information is needed to resolve a case and may contact the complainant who will then have 10 calendar days to provide additional information.
- J. Within 45 days of accepting a complaint, an ADOT Investigator will:
  - 1. Gather all relevant information in a fair and impartial manner.
  - 2. Conduct interviews of all concerned parties.
  - 3. Prepare a final investigative report with a recommended disposition.
- K. Upon final determination, one of two letters will be issued to the complainant:
  - 1. A closure letter summarizing the allegations stating that there was no Title VI violation and that the case will be closed.

2. A Letter of Finding summarizing the allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur.
- L. All allegations of discrimination will be taken seriously and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with ADOT's determination, the complainant may file a complaint directly with the appropriate USDOT modality:

US Department of Transportation, Federal Highway Administration, Arizona Division  
4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012

US Department of Transportation, Federal Aviation Administration  
800 Independence Ave. SW, Washington, DC 20591

US Department of Transportation, Federal Motor Carrier Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590

US Department of Transportation, Federal Transit Administration  
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590

US Department of Transportation, National Highway Traffic Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590

**US Department of Transportation, Federal Transit Administration**  
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590

For questions or to file a complaint, please contact:

ADOT Civil Rights Office  
206 S. 17<sup>th</sup> Avenue  
Phoenix, AZ 85007  
Phone: 602-712-8946

If information is needed in another language, please contact ADOT's Civil Rights Office at 602-712-8946.

Si se necesita información en Español, por favor comuníquese con la Oficina de Derechos Civiles de ADOT al 602-712-8946.

The Complaint Form in English and Spanish is included herein and a link to the Complaint Process can be found at:

<https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/fta-funded-programs>