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Filing a Discrimination Complaint, May 23, 2014

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FILING A DISCRIMINATION COMPLAINT

I. Introduction

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the MaineDOT's programs, activities and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the Civil Rights Office for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Director of Civil Rights Office working at the direction of the Commissioner has overall responsibility for the discrimination complaint process and procedures. The Director of Civil Rights Office provides direction to the Title VI/EJ Specialist on the discrimination complaint process. The Director of Civil Rights Office may, at her/his discretion, assign a capable person within MaineDOT or an investigator from another branch of state or federal government to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted by a Title VI/EJ Specialist or Liaison in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him- or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

IV. Filing Complaints

Applicability

The complaint procedures apply to the beneficiaries of MaineDOT programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds.

Eligibility

Any person who believes that s/he has been excluded from participation in, denied benefits or services of any program or activity administered by MaineDOT or its sub-

recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI/EJ and Related Statutes.

Time Limitation and Filing Options:

Title VI/EJ complaints of discrimination may be filed with:

1. MaineDOT's Civil Rights Office
 - The Federal Highway Administration
 - The Federal Transit Administration
 - The U.S. Department of Transportation

In all situations, MaineDOT employees must contact the Title VI/EJ Specialist or the Director of Civil Rights Office immediately upon receipt of a Title VI/EJ complaint.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a MaineDOT employee, the Title VI/EJ Specialist or Liaison or other person authorized to receive complaints on behalf of MaineDOT shall interview the person. If necessary, the authorized person will assist the person in writing the complaint for the person or the person's representative to sign.

Designated MaineDOT special emphasis area employees will require the sub-recipients they serve to forward any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors to their Title VI/EJ liaison.

SPECIFIC PROHIBITED DISCRIMINATORY PRACTICES

Specific prohibited discriminatory practices include, but are not limited to:

- Denial to an individual of any service, financial aid, or other benefit under the program;
- Distinctions in the quality, quantity, or manner in which the benefit is provided;
- Segregation or separate treatment in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Different standards or requirements for participation;

- Methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishments of effective non-discrimination;
- Discrimination in any activities related to highway and infrastructure or facility build or repaired in whole or in part with Federal funds.; and/or
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

Examples of prohibited discriminatory practices include but are not limited to:

- Eliminating, re-routing or diminishing transit services that serve areas of minority communities or resettlement areas.
- Providing information on the development of, or changes in services that does not include input from impacted communities.
- Not providing interpreters or language aids for those groups or individuals who do not use English as a primary language.
- Increasing fares in just those areas where minority communities are located.

Title VI Program Complaint Form

**Maine Department of Transportation
Civil Rights Office
16 State House Station
Augusta, Maine 04333-0016
(207) 624- 3042
TTY: 888-516-9364**

The Title VI Program prohibits discrimination on the basis of Race, Color or National Origin in any programs or services receiving federal financial assistance.

Name (print): _____

Mailing Address: _____

Work Phone: _____ **Home Phone:** _____

1. This complaint involves:

- FHWA Highway Project/Funds** **FTA Transit Project/Funds** **FAA Project/Funds**

2. Indicate protected status you believe was basis for discrimination:

Title VI:

- Race**
 Color
 National Origin

3. Explain why you believe discrimination has occurred. Please provide dates, location and time of discrimination. If there are witnesses, please provide names, addresses and telephone numbers. Use the back of this form or additional sheets as necessary.

4. Indicate the person(s) you believe is responsible for this discrimination:

Name: & Agency: _____

Work Location (If known): _____

5. What remedy are you requesting? Please be specific. _____

Signature _____ **Date** _____

