

TITLE VI

COMPLAINT PROCEDURES

Roanoke County, Virginia

Any individual may exercise his or her right to file a complaint with the Coordinator if that person believes they have been subjected to unequal treatment or discrimination in the receipt of benefits or services. Complaints may be filed with the County, VDOT, DRPT, FHWA Office of Civil Rights, or FTA office of Civil Rights. If the Complaint is filed with the County, the Coordinator will report the complaint to DRPT, VDOT or other applicable agency within the required time frame; thereafter, DRPT or VDOT will forward the complaint to the appropriate federal agency. The County will not investigate complaints filed against it; the County will follow guidance and directives from applicable state and federal agencies. All Title VI complaints and their resolution will be logged and reported to DRPT, VDOT or other agencies as required. The County's Title VI Complaint Form is attached hereto as Appendix C.

The County includes the following language on all printed information materials, the County's website, in press releases, in public notices, in published documents, and on documents provided to customers of CORTTRAN and to members of the public:

Roanoke County is committed to ensuring that no person is excluded from participation in programs and activities or is denied the benefits of its transit services based on race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.

For additional information on the County's nondiscrimination policies and procedures, or to file a complaint, please visit our website at www.roanokecountyva.gov, or contact the Assistant Director of Human Resources, Title VI Coordinator for Roanoke County.

Instructions for filing Title VI complaints are posted on the County's website and are also included in all information disseminated to riders of the CORTTRAN program, contractors, and members of the public as needed.

A. Procedures for Filing a Title VI Complaint

1. Any individual, group, or entity that believes they have been subjected to discrimination based on race, color, or national origin may file a written complaint with the Title VI Coordinator. The complaint is to be filed in the following manner:

- a. a formal complaint must be filed within 180 calendar days of the alleged occurrence.
- b. the complaint shall be in writing and signed by the complainant(s).
- c. the complaint should include:
 - the complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
 - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance)
 - a description of the alleged act of discrimination
 - the location(s) of the alleged act of discrimination

- explanation of why the complainant believes the act to have been discriminatory based on race, color, or national origin
- if known, the names and/or job titles of those individuals involved in the incident
- names and contact information for any witnesses
- indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)

d. The complaint shall be submitted to Kristie B. Jordan, Roanoke County's Assistant Director of Human Resources, Title VI Coordinator, 5204 Bernard Drive, Suite 300-A, Roanoke VA 24018, (540) 772-2018 or via email at kjordan@roanokecountyva.gov.

e. Complaints received by any other County employee will be promptly forwarded to the Coordinator.

f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Coordinator. Under these circumstances, the complainant will be interviewed, and the Coordinator will record or memorialize the interview.

2. Upon receipt of a complaint, the Coordinator will promptly:

- notify DRPT, VDOT or other appropriate state or federal agency;
- notify the County Administrator;
- ensure that the complaint is entered in the complaint database.

B. How Are Complaints Routed?

FHWA Division Offices do not investigate Title VI complaints. Likewise, State DOTs and its sub-recipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

1. All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against the County (a sub-recipient of Federal financial assistance).
2. Complaints should be forwarded from the initial receiving agency through the Federal aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the County, the County will forward the complaint to VDOT, which will forward the complaint to the VDOT's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with VDOT, VDOT will forward the complaint to the VDOT's FHWA Division Office, which should forward the complaint to HCR.
3. VDOT and County will log all complaints received.

4. When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, VDOT, and the County.

5. Complaints may also be sent to HCR directly at:

Federal Highway Administration

U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE

8th Floor E81-105

Washington, DC 20590

Civilrights.FHWA@dot.gov

Fax (202) 366-1599

Phone (202) 366-0693

C. What are the potential outcomes for processing a complaint?

There are four (4) potential outcomes for processing complaints:

1. Accept: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.

2. Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.

3. Procedural Dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.

4. Referral/Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a sub-recipient, HCR may either conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a sub-recipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI.