

**Complaint Resolution Procedure to Ensure Non-Discrimination
In Federally Assisted Programs or Activities Participated in by the
Hinesville Area Metropolitan Planning Organization**

Purpose, Scope, Responsibilities and Complaint Form

June 22, 2015: Corrected 120 days
for filing to 180 days.

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Purpose

This procedure covers all formal complaints and informal charges filed by an individual or group of individuals under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Hinesville Area Metropolitan Planning Organization (HAMPO) or its sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel.

Definitions

An *informal charge* is defined as any verbal or written communication received by customer service staff from members of the public referencing a general complaint regarding the inequitable distribution of benefits, services, amenities, programs or activities financed in whole or in part with federal funds.

A *formal complaint* is defined as any written complaint of discrimination on the basis of race, color, national origin or sex filed by an individual or group; signed by the complaining party on HAMPO's complaint form (included at the end of this document) seeking to remedy perceived discrimination by facially neutral policies, practices or decisions, which have an adverse impact which resulted in inequitable distribution of benefits, services, amenities, programs or activities finance in whole or in part with federal funds. Such complaints include, but are not limited to, allegations of:

- Failing to provide comparable services;
- Policies and practices that act as arbitrary and unnecessary barriers to equal opportunity;
- Denied opportunity for equitably participation;
- Provision of fewer services or benefits and/or inferior services or benefits to members of a protected group;
- Differential exposure of protected groups to environmental hazards;
- Patterns of disparate treatment;
- Disproportionate adverse effects on social and economic parameters (e.g. access to services, healthcare facilities, employment opportunities and community cohesion).

This procedure explains each stage of the complaint processing process for formal and informal Title VI charges. It communicates the rights and responsibilities of the complainant and states the responsibilities of HAMPO.

Informal charges and formal complaints should be filed within 180 calendar days of the event which forms the basis of the claim; of if the concern is an ongoing one, the charge/complaint should be filed within 180 calendar days of the last occurrence.

This procedure does not preclude the right of any Complainant to file complaints directly with the Federal Transportation Administration (FTA), Federal Highway Administration (FHWA), or to seek private legal representation.

The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints within 60 calendar days.

The option of informal mediation meeting(s) between the affected parties may be utilized for resolution.

Compliance with Title VI is the responsibility of every HAMPO employee. HAMPO is responsible for compliance monitoring and reporting, investigation, and program administration.

Responsibility

HAMPO is responsible for intake of informal Title VI charges and submission of those complaints to the Executive Director of HAMPO.

The Executive Director of HAMPO will forward complaints to the appropriate party within their respective department to handle resolution, follow up to ensure that resolution/proposed resolution occurs, and communicate specifics of the resolution/proposed resolution to the HAMPO office.

The Executive Director of HAMPO is responsible for tracking the complaints to ensure that the affected department(s) has taken the recommended action to remedy any determination of discrimination and communicating findings to the Complainant. The Executive Director of HAMPO is also responsible for reporting trends, action plans, and non-compliance to the executive management team and board of directors.

PROCESSING INFORMAL CHARGES

Intake

Intake of an informal charge is generated through communication, generally presented verbally to HAMPO staff (or its sub-recipients, consultants, and contractors).

Any HAMPO staff (or its sub-recipients, consultants, and contractors) who receives an inquiry or complaint of this type shall direct the Complainant to report the concern directly to the HAMPO Executive Director (912) 408-2030, or by mail to HAMPO, 100 Main Street, Suite 7520, Hinesville, GA, 31313.

The HAMPO Executive Director upon receipt of an informal charge shall record the charge and shall promptly identify the appropriate department(s) to resolve the issue and forward the charge directly to that department's general manager. The Executive Director of HAMPO will ascertain proper jurisdiction, investigate merits of alleged violations (if needed) and monitor response dates. If determination is made that the matter is outside the scope of Title VI, HAMPO will notify the affected department's general manager within a reasonable period.

Processing of Charge and Resolution

If the matter is determined to be within the scope of Title VI, the affected department's general manager, within 5 business days of receipt will consult with HAMPO and offer a proposed resolution. Within 5 business days of receiving written notification of a proposed resolution, HAMPO representatives will offer suggestions, if any, to modify the proposed resolution. HAMPO or the affected department will communicate its written or verbal findings to the customer within 30 calendar days and explain any steps being taken to resolve the matter, and will forward copies of this communication to the affected department(s).

Every effort shall be made to process and resolve informal charges within 30 calendar days.

Appeal

There is no right to appeal resolution of an informal charge. However, the party reserves the right to file a formal complaint within 180 calendar days.

PROCESSING FORMAL COMPLAINTS

Intake

Intake of formal complaints is generated through verbal or written communication of a concern as presented to HAMPO staff. Any HAMPO staff who receives a complaint of this type will direct the complaint to the HAMPO Executive Director. HAMPO staff will provide a formal complaint form to

the Complainant. Complainant must sign and submit the completed complaint form to the Executive Director of HAMPO by fax or mail to address shown on the complaint form.

Processing

The Executive Director of HAMPO shall record the complaint, review the matter to determine Title VI jurisdiction, assign an investigator if it is determined that the matter merits investigation, and monitor response dates.

Jurisdiction will be determined based upon information provided in the written complaint. A complaint shall be investigated unless:

- It fails to state facts which could establish intentional unequal treatment as described in the definitions section of this procedure;
- Complainant is not a primary beneficiary of the federal aid received by HAMPO.
- If determination is made that the matter is outside the scope of Title VI.

Investigation, Determination, and Recommendation

If jurisdiction is determined to exist and investigation is warranted, the assigned investigator will take the following steps:

- Identify the basis of the alleged unequal treatment;
- Ascertain when and where the alleged unequal treatment occurred;
- Identify and interview all relevant parties, review documents, and make site visits to obtain factual information.

Upon conclusion of a thorough investigation, the investigator will prepare a report to summarize findings and suggest appropriate corrective action along with proposed resolution. The investigative report should be submitted to the Executive Director of HAMPO within 50 calendar days. HAMPO will maintain a record of all discussions and retain all documents relating to the investigation in a confidential file.

Communication of Findings and Complaint Resolution

The Executive Director of HAMPO will accept, reject, or modify the investigative report and consult with the affected department to convey the preliminary findings and develop a proposal for resolution. The Executive Director of HAMPO will prepare a written determination and submit the determination to the legal department for review and analysis of legal sufficiency (if required). Once the final determination is ready for release, the Executive Director of HAMPO and a HAMPO legal representative (if required) will meet with the general manager of the affected department(s) to communicate the final determination and recommendations, if any, for corrective action. The Executive Director of HAMPO will provide written notification to the Complainant of the investigation findings and HAMPO's proposed resolution, if any. HAMPO will forward copies of this communication to the affected department(s).

If cause is found to indicate a potential occurrence of non-compliance, the Executive Director of

HAMPO will communicate this information to the executive committee of the governing board before releasing its findings to the complainant.

Appeal

The Executive Director of HAMPO will explain to the Complainant their right to appeal to the Federal Transit Administration, Federal Highway Administration, or seek private legal representation.

Title VI Discrimination Complaint Form

Title VI of the Civil Rights Act of 1964 states “No person in the United States shall, on the grounds of race, color or national origin, be excluded from, participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The Environmental Justice component of Title VI guarantees fair treatment for all people. HAMPO is required to identify and address, as appropriate, disproportionately high and adverse effects of its programs, polices, and activities on minority and low-income populations. HAMPO is also required to take reasonable steps to ensure that Limited English Proficiency (LEP) person have meaningful access to the programs, services, and information HAMPO provides.

If you feel that you have been discriminated against, please provide the following necessary information in order to facilitate the processing of your complaint. Should you require assistance in completing this form, please let us know. Once completed, return a signed copy to:

Hinesville Area Metropolitan Planning Organization (HAMPO)

Attn: Executive Director
100 Main Street, Suite 7520
Hinesville, GA 31313
(tel) 912-408-2030 (fax) 912-408-2072

Note: To protect your rights, your complaint must be filed with **180** days of the occurrence. Failure to file within **180** days may result in dismissal of the complaint.

Complainant’s Name: _____

Address: _____

City: _____ State: _____ Zip Code _____

Telephone # (Home): _____ (Work) _____ (Cell) _____

Person discriminated against (if someone other than Complainant)

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone # (Home): _____ (Work) _____ (Cell) _____

Upon what premise is your discrimination complaint based? (check all that apply)

- Race/Color Religion Disability
 National Origin Gender Limited English Proficiency (LEP)

Date of alleged discrimination: _____

Describe the alleged discrimination. Explain what happened and who you believe was responsible.

(For additional space, attach additional sheets of paper or use back of the form) _____

Where did the incident take place? Please provide location, time, bus number etc.? _____

Witnesses? Please provide their contact information.

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone # (Home): _____ (Work) _____ (Cell) _____

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone # (Home): _____ (Work) _____ (Cell) _____

