

Title VI and Related Statutes Discrimination Complaint Process

A. FILING OF FORMAL COMPLAINTS

1. Applicability

The complaint procedures apply to the beneficiaries of the Department of Transportation's programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants and other subrecipients of Federal and State funds.

2. Eligibility

Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the Department or its subrecipients, consultants, and contractors on the basis of race, color, national origin, sex, age, or disability may bring forth a complaint of discrimination under Title VI and related statutes.

3. Time Limitation and Filing Options

Title VI complaints of discrimination may be filed with:

- ◆ The Department District EO Offices, Headquarters OEO, or DCIU
- ◆ Federal Highway Administration
- ◆ U.S. Department of Transportation

In all situations, Civil Rights staff and/or District Offices must immediately forward Title VI discrimination complaints to the OEO DCIU.

Complaints must be filed no later than 180 days after:

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

4. Type of Complaints

All Title VI and related statute complaints are considered formal as there is no informal process. Complaints must be in writing and signed by the complainant. Complaints must include the complainant's name, address and phone number and be detailed to specify all issues and circumstances of the alleged discrimination.

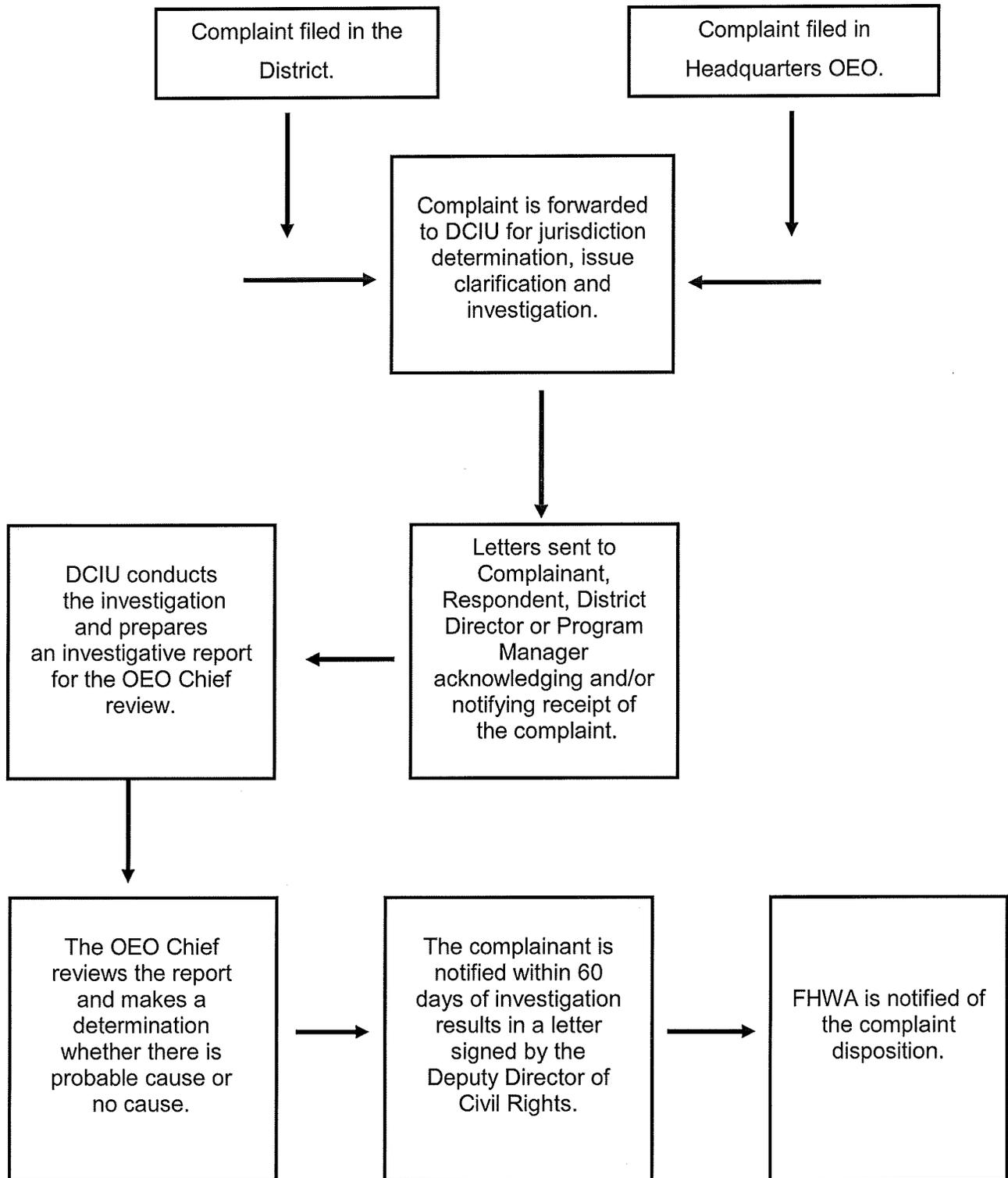
5. Complaint Basis

Allegations must be based on issues involving race, color, national origin, sex, age or disability. The term basis refers to the complainant's protected group status.

Protected Group Categories	Definition	Examples
Race	An individual belonging to one of the accepted anthropological racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group.	Black, White, Hispanic, Asian, Native American Indian, Filipino, or Pacific Islander.
Color	Color of skin, including shade of skin within a racial group.	Black, white, light brown, dark brown, etc.
National Origin	National birth site. Citizenship is not a factor. Discrimination based on language or a person's accent is covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese.
Sex	Gender. Includes sexual harassment and pregnancy.	Women and men.
Age	Persons of any age.	21 year old person.
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic.

complaint handling

IX. TITLE VI AND RELATED STATUTES COMPLAINT PROCESS FLOWCHART



complaint handling

X. AUTHORITIES

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000, provides in section 601 that: "(N)o person in the United States shall, on the ground 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."

(Proscribes discrimination in impacts, services, and benefits of, access to, participation in, and treatment under federal-aid recipients' programs or activities)

SECTION 324 FEDERAL-AID HIGHWAY ACT

23 U.S.C. 324, provides that: "(N)o person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title." (Prohibits discrimination on the basis of sex)

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790, provides that: "(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance." (Prohibits discrimination based on physical or mental handicap)

AGE DISCRIMINATION ACT OF 1975

The Age Discrimination Act of 1975, 42 U.S.C. 6101, provides that: "(N)o person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (Prohibits discrimination based on age)

CIVIL RIGHTS RESTORATION ACT OF 1987

The Civil Rights Restoration Act of 1987, P.L. 100-209, provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include **all** programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.)

EXECUTIVE ORDER 12898

E.O. 12898 — Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (as amended).

EXECUTIVE ORDER 13166, LIMITED ENGLISH PROFICIENCY

This Executive Order directs Federal agencies, recipients and sub-recipients of Federal

complaint handling

financial assistance to examine services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide services so LEP persons have meaningful access to them. In addition, Federal agencies must develop and implement a plan to improve the language-accessibility of their programs by December 11, 2000.