

# Title VI Complaint Procedure and Form

## Scope of Title VI Complaints

The scope of Title VI covers all external APO activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to compete for or obtain a contract with the APO for the furnishing of goods and/or services. Examples include advertising for proposals; prequalification or qualification; proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

## Formal Title VI Complaint Procedure

The APO Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the APO, its recipients, sub-recipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

The APO uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by it. These procedures include but are not limited to:

1. Any person or groups of person who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with the APO. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of the APO's programs for it to be considered and processed as an allegation of a discriminatory practice.
2. The complaint **must** be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. The APO's Title VI Complaint Form **must** be used. A copy of this form can be found in Appendix C of this document.
3. The complaint may also be filed with the Federal Highway Administration's (FHWA's) Office of Civil Rights via phone at 202-366-0693 or via email at [fhwa.titlevicomplaints@dot.gov](mailto:fhwa.titlevicomplaints@dot.gov). Complaints can also be filed via U.S. Mail to: Federal Highway Administration, U.S. Department of Transportation, Office of Civil Rights, 1200 New Jersey Avenue SE, 8<sup>th</sup> Floor E81-105, Washington, D.C. 20590. The complaint **must** be file no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. DOT.
4. Immediately, upon receipt of a Title VI complaint, the APO will determine a course of action. Possible courses of action include:

- Title VI complaints filed against the APO are referred to MnDOT for processing. MnDOT notifies the FHWA Minnesota Division Office of the complaint.
  - Title VI complaints filed against the APO's subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed by the APO in accordance with the U.S. DOT approved complaint procedures. MnDOT is available to provide assistance.
    - i. A copy of the complaint, together with a copy of the APO report of the investigation and recommendations, are forwarded to the U.S. DOT within 60 days of the date the complaint was received by the APO.
    - ii. A copy of the complaint, together with a copy of the APO report of the investigation and recommendations, are provided to MnDOT's Office of Civil Rights, MS 170, 395 John Ireland Blvd., St. Paul, MN 55155, for informational purposes only.
    - iii. The FHWA Minnesota Division Office makes the final agency decision.
5. The APO reviews and determines the appropriate action regarding every complaint. The APO will recommend to the FHWA Minnesota Division Office, with a copy to MnDOT, not to proceed with or continue a complaint investigation if:
    - The complaint is, on its face, without merit.
    - The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
    - The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
  6. If an investigation is to be initiated, the APO determines the method of investigation and who will conduct the investigation.
  7. The entire investigation process, including the submission of the final report of the investigation and recommendations to the FHWA Minnesota Division Office, with a copy to MnDOT, is to be carried out in a period not to exceed 60 calendar days from the date the original complaint was received by the APO.
  8. The APO acknowledges receipt of the allegation(s) within 10 working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
    - The basis for the complaint.
    - A brief statement of the allegation(s) over which the APO has jurisdiction.
    - A brief statement of the APO jurisdiction over the recipient to investigate the complaint; and
    - An indication of when the parties will be contacted.
    - Depending on the nature of the complaint, the complaint will be referred to the following for final decision:
      - i. FHWA Minnesota Division Office
      - ii. U.S. Department of Justice (DOJ)
  9. The APO also notifies the FHWA Minnesota Division Office and/or FTA Region 5 Office, with a copy to MnDOT within 10 calendar days of receipt of the allegations. The following information is included in the notification to the U.S. DOT:
    - Name, address, and phone number of the complainant.

- Name(s) and address(es) of persons alleged to have been involved in the act.
  - Basis of alleged discrimination (i.e., race, color, national origin).
  - Date of the alleged discriminatory act(s).
  - Date complaint was received by the APO.
  - A brief statement concerning the nature of the complaint.
  - Other agencies (Federal, state, or local) with which the complaint has been filed.
  - An explanation of the actions the APO proposed to take to resolve the issues raised in the complaint.
10. The investigation consists of an in-depth, personal interview with the complainant(s). Information gathered in this interview includes but is not limited to: identification of each complainant by race, color, national origin; name of the complainant; a complete statement concerning the nature of the complaint, including names, dates, places, and incidents in the complaint; the date the complaint was filed; and any other pertinent information the investigator(s) feel is relevant to the complaint. The interview(s) is recorded, either on an audio tape or by an investigator taking notes. The investigator(s) arrange for the complainant to read, make necessary changes to, and sign the interview transcript or interview notes.
  11. Following the interviews, the investigator(s) develops a report of the investigation and recommendations based on the facts. The report contains the investigator's(s') findings, conclusions concerning each issue raised in the complaint, and recommendations for corrective action. The report is the last document prepared by the investigator(s). Any other actions taken as a result of the investigator's(s') findings and conclusions are the responsibility of APO management.
  12. The complainant receives a letter from the APO detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the final determination is made by the FHWA Minnesota Division Office.
  13. The APO forwards the report of the investigation and recommendations to the FHWA Minnesota Division Office, with a copy to MnDOT. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, and any other pertinent information.
  14. The FHWA Minnesota Division Office makes the final agency decision.



## **SAINT CLOUD AREA PLANNING ORGANIZATION TITLE VI COMPLAINT FORM**

The Saint Cloud Area Planning Organization (APO) assures that no person shall, on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259) be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any agency-sponsored program or activity.

An individual, or his/her/their representative, who believes that he/she/they has been subject to discrimination prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 180 calendar days of the alleged occurrence.

### **Personal Information**

(Type or write the requested information below)

**Name:**

**Address:**

**Phone Number:**

**Preferred Email:**

**Preferred Method of Contact:**

**Best Time to Contact You:**

**Are you filing this complaint on your own behalf?**

Yes

No

*If you answered **YES** to the last question, please go to the next section. If not, please answer the next three questions.*

**Please supply the name and relationship of the person for whom you are complaining:**

**Please explain why you have filed for a third party:**



**Please confirm that you have obtained the permission of the aggrieved part if you are filing on behalf of a third party.**

Yes

No

### **Basis of the Discrimination**

**I believe the discrimination I experienced was based on (check all that apply):**

Race

Disability

Color

Income Status

National Origin

Other (please explain) Click or tap here to enter text.

Sex

Age

**Have you previously filed a Title VI complaint with this agency (Yes or No)?**

**Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court (Yes or No)?**

*If you answered **YES** to the last question, please complete the following information. If not, please go to the next section.*

**Where has this complaint been filed? Please check all that apply AND provide the name of the respective agency/court in which you have filed.**

Federal Agency.

Federal Court.

State Agency.

State Court.

Local Agency.



*Please provide information about a contact person at the agency/court where the complaint was filed.*

**Name:**

**Title:**

**Agency Address:**

**Phone:**

### **Information of Agency or Contractor that Allegedly Discriminated**

**Date discrimination occurred:**

**Name of agency/contractor complaint is against:**

**Agency/contractor address:**

**Name(s) and job title(s) of individual(s) who allegedly discriminated:**



### **Tell Us What Happened**

**Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If additional space is needed, please attach extra sheet(s).**

### **What is Your Desired Outcome?**

**Briefly explain how you would like this matter resolved.**



## Verification

**By signing this document, I, the submitter for this form, warrant the truthfulness of the information provided.**

Signature:

Date:

Please submit this form in person or at the address below, or mail this form to:

Saint Cloud Area Planning Organization  
Title VI Coordinator  
1040 County Road 4  
Saint Cloud, MN 56303

## Notice of Rights

The purpose and intended use of the requested information is to assist APO staff and designees to evaluate and respond to accessibility concerns regarding APO building facilities, programs, or services.

Authorized persons or agencies with whom this information may be shared include APO officials, staff or designee(s).

Furnishing the above information is voluntary, but refusal to supply the requested information will mean APO staff may be unable to respond to or evaluate your request.

### **Complaints filed with the Federal Highway Administration**

Discrimination complaints based on race, color, national origin, may be filed with the Federal Highway Administration's Office of Civil Rights via phone at 202-366-0693 or via email at [fhwa.titlevicomplaints@dot.gov](mailto:fhwa.titlevicomplaints@dot.gov). Complaints can also be filed via U.S. Mail to:

Federal Highway Administration  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8<sup>th</sup> Floor E81-105  
Washington, DC 20590

The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. Department of Transportation.