

Title VI Discrimination Complaint Procedures

Who can file?

Any person who believes that he or she, individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint. The complaint must be based on race, color, or national origin.

Complaints must be filed within one hundred eighty (180) days of the date of the alleged act of discrimination or, where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints must be filed in writing. If the complaint is verbal, a representative of the Bureau of Civil Rights (BCR) will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature.

What must you include in the complaint?

Complainant must include the following information in the complaint:

1. Name, address and telephone number of the complainant or representative;
2. The name, address and telephone number of the attorney or authorized representative, if you are being represented;
3. Name(s), address(es) and title(s) of alleged discriminating officials or entity;
4. Basis of your complaint, the motivating factor for the discrimination (*i.e.*, race, color, or national origin);
5. Date on which alleged discriminatory act(s) or event(s) occurred. Please note that we cannot accept a complaint about an incident that took place more than one hundred eighty (180) days prior to the filing of the complaint. If the discrimination occurred more than one hundred eighty (180) days prior to filing your complaint, you may request a waiver of the filing requirement;
6. The complaint must describe the facts and circumstances surrounding the claimed discrimination;
7. The nature of the incident that led the complainant to feel discrimination was a factor;
8. Names, addresses and telephone numbers of witnesses or persons that have direct knowledge of the incident;
9. Date complaint was received by Bureau of Civil Rights (BCR);
10. List other agencies (state, local or Federal) with which the complaint has been filed; and
11. Complainant's signature and/or complainant's representative and date.

If the complaint has incomplete information or if additional information is needed, the BCR will contact the complainant in writing within three (3) days and request the complainant to complete Illinois Department of Transportation's (IDOT) discrimination complaint form (*see attachment 2*). If the complainant fails to provide the requested information within sixty (60) days, BCR may administratively close the complaint for failure to provide sufficient information or this could be considered good cause for a determination of no investigative merit.

At the complainant's request, the BCR will provide language or sign interpreter assistance. The complaint may be sent or faxed to the following address or telephone number:

Title VI Coordinator
Bureau of Civil Rights
2300 South Dirksen Highway, Room 317
Springfield, Illinois 26764
Telephone: 217-782-2762
Fax: 217-524-4063

You can download a copy of the Title VI Complaint form at: <http://www.dot.il.gov/cr/crforms.html>. Or you can obtain a copy of the Title VI Complaint form by calling the number above.

Complainants have the right to complain directly to the appropriate Federal agency; however, they must do so within one hundred eighty (180) calendar days of the last alleged incident.

A complainant may file a Title VI Complaint with the U.S. Department of Transportation by contacting DOT at:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
200 West Adams Street
Suite 320
Chicago, IL 60606

When a complainant makes multiple claims and some of the basis do not fall within the purview of Title VI (*e.g.*, discrimination based on sex, disability, age, religion etc.), the investigator should clearly identify each claim and the protected class being invoked. The investigator will separate those issues not covered under Title VI and forward them to the appropriate parties/office for investigation.

Recording the Complaint

Upon receipt of a complaint, Bureau of Civil Rights (BCR) will record it and assign a complaint number. The complaint will be noted in the log by case number based on year, month and sequence in which the complaint was received (Example: A complaint received in December, 1999 and is the second complaint received in 1999 will be case number 99 (year)-12 (month)-002 (sequence). Illinois Department of Transportation (IDOT) will maintain a log of all complaints and appeals.

Accepting the Complaint

After assigning the complaint a number, Bureau of Civil Rights (BCR) will determine if BCR has jurisdiction. The BCR will determine jurisdiction based on:

1. Whether the complaint is timely;
2. Mootness;
3. Whether the basis of the allegations involved is covered under Title VI;
4. Whether the allegations involve a program or activity of an Illinois Department of Transportation (IDOT) Federal-aid recipient, subrecipient or contractor; and
5. Other relevant factors

When jurisdiction is determined, the complaint will be accepted for processing. If the Title VI office does not accept the complaint, it will issue a letter providing an explanation regarding this issue.

All complaints will be investigated promptly. Reasonable measures will be taken to preserve any information that is confidential. The BCR will assign an investigator to investigate the complaint. The complainant and the IDOT Federal aid recipient, subrecipient, or contractor will be notified. A copy of the complaint will also be forwarded to the alleged discriminatory service or program official including the name and telephone number of the investigator assigned to investigate the complaint.

Complaints filed against IDOT, where it is named as a respondent, will be forwarded to the appropriate DOT component under which the complained-of program or activity falls. Complaints filed against IDOT's Federal aid recipients, subrecipients, and contractors shall be investigated by IDOT's Title VI Office at BCR. If the BCR does not have jurisdiction based on this scenario, the complainant will be notified of BCR's decision.

If BCR rejects the complaint for any reason described above, it will send out a letter within ten (10) days of receipt notifying the complainant of BCR's decision with the reason for the rejection—*i.e.*, untimely etc.

Acknowledging the Complaint

After the BCR accepts the complaint, the Title VI Specialist / Coordinator will send out an acknowledgment letter, within five (5) days, notifying the complainant that the complaint has been accepted for investigation, providing the anticipated timeline for completion, and setting a schedule for in-person interview or written questionnaire for the Complainant within five (5) days, if necessary.

Notifying the Name Party Subject(s) of the Complaint

Within five (5) days of accepting the complaint, BCR will notify the named party that s/he is the subject of the complaint.

Investigating the Complaint

1. The Title VI Specialist / Coordinator will inform the complainant that s/he has a right to have a witness or representative present during the interview and s/he can submit any documentation s/he perceives as relevant to proving his/her complaint.
2. When the Title VI Specialist / Coordinator receives a complete complaint, the Title VI Specialist will contact the respondent giving them five (5) calendar days to respond to written questions or to engage in an interview.
3. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
4. The Title VI Specialist will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned and what documentation should be reviewed.
5. The Title VI Specialist will contact the complainant at the conclusion of the investigation, but before writing the final report. This will give the complainant an opportunity to give a rebuttal statement only at the end of the investigation process.
6. Within forty (40) calendar days of acceptance of the complaint, the Title VI Specialist / Coordinator will prepare a draft investigative report for the Bureau Chief of Civil Rights' review. The report shall include:
 - a) The written complaint containing the allegation, basis and date of filing;
 - b) Summarized statements taken from witnesses;
 - c) Finding of facts;
 - d) Opinion(s) (based on all evidence in the record) that the incident is substantiated or unsubstantiated; and
 - e) Remedial action(s) for substantiated cases.
7. The Bureau Chief of Civil Rights will have ten (10) days to make comments to the Title VI Specialist/ Coordinator. The Title VI Specialist / Coordinator will instruct the investigator to address any comments and modify the report as needed and made final.
8. Within sixty (60) calendar days of the date the complaint was accepted by the Bureau of Civil Rights (BCR), the investigation will conclude and a final report will be sent to the appropriate unit of the U.S. Department of Transportation (FAA/FHWA/FTA) and the respondent. If the investigation is delayed for any reason, the Title VI Specialist /Coordinator will notify the appropriate authorities and the Title VI Specialist shall request an extension.

9. If corrective action(s) is recommended the respondent will be given thirty (30) calendar days to inform the Title VI Specialist of the actions taken for compliance.
10. Corrective actions can be in the form of actions to be taken at a future date after the initial thirty (30) days with projected time period(s) in which action will be completed.
11. Within ninety (90) days of the receipt of complaint, the Secretary of IDOT will notify the complainant in writing; detailing the findings, conclusions, proposed disposition and/or any corrective action taken. This notification will advise the complainant of the following possible avenues of appeal if dissatisfied with the decision: U.S. Department of Transportation or Division of Local Assistance, Office of Civil Rights.

Appealing the Complaint

1. The complainant has the right to appeal all written reports to Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), whichever is the appropriate funding agency.
2. This appeal must be made in writing to the Title VI Specialist / Coordinator within fourteen (14) days of receipt of the department's final report.
3. The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for the disagreement.
4. FAA, FHWA or FTA's review of the finding will be based on the entire record.
5. If FAA, FHWA or FTA concludes that the Respondent is in compliance with laws/regulations and the complainant disagrees, the Complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

Sanctions

In the event the Respondent fails or refuses to comply with the terms of this agreement, the Secretary may take any or all of the following sanctions:

1. Cancel, terminate, or suspend the funding in whole or in part;
2. Refrain from extending any further assistance to the Respondent under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Respondent;
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or
4. Refer the case to the US Department of Transportation for appropriate legal proceedings.