

# COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, as amended, and Civil Rights Restoration Act of 1987 as they relate to any Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funded program or activity administered by CAG, its consultants and contractors. Intimidation or retaliation as a result of a complaint is prohibited by law. Every effort will be made to resolve complaints informally at CAG.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing, investigating, and resolving any complaint arising as a result of operations from its sub-recipients. All FHWA funded activity and program complaints of discrimination are processed, investigated by FHWA. All FTA funded activity and program complaints of discrimination are processed, investigated by CAG.

## **Procedures**

1. Any person, specific class of persons or entity who believes that they have been subjected to discrimination on an FHWA or FTA related activity or program as prohibited by legal provisions of Title VI on the basis of race, color, and/or national origin may file a formal complaint with CAG. A copy of the complaint form may be found in **Exhibit D** or accessed electronically at:

**English:** [http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI ComplaintForm English.pdf](http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI%20ComplaintForm%20English.pdf)

**Español:** [http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI quejaforma Spanish.pdf](http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI%20quejaforma%20Spanish.pdf)

2. A formal complaint must be filed within 180 calendar days of the alleged act of discrimination and include the date when the alleged discrimination became known to the complainant(s), or the latest instance of the conduct.
3. ***The complaint must meet the following requirements:***
  - a. Complaint shall be in writing and signed by the complainant(s) and must include complainant(s) name, address, and phone number. The Title VI/ADA Program Coordinator will assist the complainant with documenting the issues via phone and transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for acknowledgement and signature if necessary.
  - b. Present date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct.
  - c. Provide a detailed description of the alleged issues that occurred in a program or activity that receives FHWA or FTA financial assistance, including names and job titles of those individuals perceived as parties in the complained-of-incident (any consultant(s) or contractor(s) or CAG). Describe the facts and circumstances surrounding the alleged discrimination incident and the basis of the complaint (i.e., race, color, and/or national origin).
  - d. Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations(s).
  - e. The corrective action being sought by the complainant.
4. ***Complaints may be filed by one of the following methods:***
  - a. By completing and signing the complaint form and delivering it in person or by mail.
  - b. By emailing or faxing the complaint form and sending the signed original to Travis Ashbaugh, the Title VI/ADA Program Coordinator.

- c. By contacting Travis Ashbaugh, the Title VI/ADA Program Coordinator to provide information that will be utilized to complete the complaint form which will subsequently be forwarded to the complaint for review, signature, and return via certified mail.

**5. Upon receipt of a completed complaint:**

Travis Ashbaugh, the Title VI/ADA Program Coordinator will determine jurisdiction, acceptability or need for additional information and, within five (5) business days, acknowledge receipt of the complaint and the intended course of action. Once the determination has been made to accept the complaint for investigation, ADOT Civil Rights Office will be notified.

- a. ADOT has the sole authority for and will adjudicate complaints filed against CAG.
- b. FHWA funded activity and program complaints of discrimination are processed and investigated by FHWA
- c. FTA funded activity/program complaints of discrimination are processed and investigated by CAG.

<b>CAG Contact Information for Filing FTA Complaints:</b>
CAG Title VI/ADA Program Coordinator Zeena Gagnon, Mobility Management Coordinator 2540 West Apache Trail, Suite 108 Apache Junction, Arizona 85120  Telephone: (480) 474-9300 Fax: (480) 474-9306 E-mail: <a href="mailto:zgagnon@cagaz.org">zgagnon@cagaz.org</a>

**6. For acceptance, a complaint must be:**

- a. Timely filed and be within CAG's or ADOT's authority.
- b. Involve a covered basis (i.e., race, color, national origin, and/or disability).

**7. Complaints may be dismissed if the complainant:**

- a. Requests the withdrawal of the complaint.
- b. Fails to respond to repeated requests for additional information.
- c. Fails to cooperate in the investigation.
- d. Cannot be located after reasonable attempts to reach the complainant have been made.

**8. CAG will maintain a confidential log of all accepted and/or forwarded Title VI complaints which will include:**

- a. Name(s) of complainant(s)
- b. Date the complainant was received
- c. Date of allegation
- d. Description of the alleged discrimination
- e. Other relevant information, as required

- f. Report Date
- g. Recommendations
- h. Outcome/Disposition

9. ***Upon accepting a complaint, the CAG investigator for FTA complaints will:***

- a. Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 business days from the Title VI/ADA Program Coordinator's written notification to provide a written response.
- b. Determine if more information is required to resolve a case and may contact the complainant who will then have 10 business days to provide additional information.

10. ***Within 45 calendar days of the acceptance of the complaint, the CAG investigator for FTA complaints will:***

- a. Gather all relevant information in a fair and impartial manner.
- b. Conduct interviews of all concerned parties.
- c. Prepare a final investigative report with a recommended disposition.

11. ***Upon final determination, one of two (2) letters will be issued to the complainant:***

- a. A closure letter, summarizing the allegations stating that there was no Title VI violation and that the case will be closed.
- b. A letter of finding summarizing allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur.

12. ***Complaints that fall under the jurisdiction of CAG:***

- a. CAG's final investigation report with the findings and a copy of the complaint will be forward to the ADOT Civil Rights Office.

**Complaint Form – (English):**

[http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI\\_ComplaintForm\\_English.pdf](http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI_ComplaintForm_English.pdf)

**Formulario de Reclamación – (Español)**

[http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI\\_quejaforma\\_Spanish.pdf](http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI_quejaforma_Spanish.pdf)

**Link complaint process:**

[http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI\\_ComplaintProcedures.pdf](http://www.cagaz.org/Departments/tpt/TitleVI/CAGTitleVI_ComplaintProcedures.pdf)

13. ***Timeframes for Title VI Investigations:***

- a. Complaints received directly by CAG must be completed within 60 days from receipt.
- b. CAG will forward a copy of FHWA Title VI complaints and preliminary findings report to ADOT Civil Rights Office within 60 days from receipt. Once ADOT Civil Rights Office issues concurrence on preliminary report, CAG will notify all parties involved.

14. ***In instance where there is dissatisfaction with CAG's final determination, the complainant may file a complaint directly with ADOT.***

15. ***If there is dissatisfaction with ADOT's final determination, the complainant may file a complaint directly with a United States Department of Transportation (USDOT) modality.***

In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or take legal action for complaints alleging discrimination. Below is the contact information for filing complaints:

1. **Title VI/ADA Non-Discrimination Complaints against CAG in FHWA Funded Programs/Activities:**

- a. Will be referred to FHWA Office of Civil Rights and ADOT’s Civil Rights Office within 72 hours for processing and investigation. ADOT’s Civil Rights Office’s processing of the complaint will follow ADOT complaint processing procedures as per ADOT’s FHWA Title VI Implementation Plan.  
LINK: <https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>
- b. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the Federal Highway Administration by contacting the agencies at:

ADOT Contact Information for Directly Filing Complaints:	FHWA Contact Information for Directly Filing Complaints:
<p>ADOT Civil Rights Office 206 South 17<sup>th</sup> Avenue, Room 183,MD 155-A Phoenix, Arizona 85007</p> <p>Telephone: (602) 712-8946 E-Mail: <a href="mailto:civilrightsoffice@azdot.gov">civilrightsoffice@azdot.gov</a></p>	<p>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</p> <p>Telephone: (202) 366-0693 Fax: (202) 366-1599 Email: <a href="mailto:CivilRights.FHWA@dot.gov">CivilRights.FHWA@dot.gov</a></p>

2. **Title VI/ADA Non-Discrimination Complaints against CAG in FTA Funded Programs/Activities:**

The complainant may file a discrimination related complaint directly with CAG, ADOT, or with the Federal Transit Administration by contacting the agencies at:

ADOT Contact Information for Directly Filing Complaints:	FTA Contact Information for Directly Filing Complaints:
<p>ADOT Civil Rights Office 206 South 17<sup>th</sup> Avenue, Room 183,MD 155-A Phoenix, Arizona 85007</p> <p>Telephone: (602) 712-8946 E-Mail: <a href="mailto:civilrightsoffice@azdot.gov">civilrightsoffice@azdot.gov</a></p>	<p>Federal Transit Administration Office of Civil Rights Attention: Complaint Team East Building, 5<sup>th</sup> Flore – TCR 1200 New Jersey Avenue, SE Washington, DC 20590</p> <p><b>Note: Complaints should be submitted by mail.</b></p>

**If information is needed in another language, please contact CAG at (480) 474-9300.  
Si necesita información en otro idioma, comuníquese con CAG al (480) 474-9300.**