

Town of Erwin

Title VI

Complaint & Hearing Procedures

Town of Erwin Title VI Complaint & Hearing System

It is the general policy of the Town of Erwin to investigate all written administrative complaints that have apparent Title VI discrimination merit and are complete or properly pleaded.

A complete and properly pleaded complaint should:

- Be in writing
- Include the address, phone number, and signature of the drafter
- Describe discriminatory acts that violate Title VI
- Be filed within 180 calendar days of alleged discrimination
- Include the name of the recipient that the allegations are made against

The Town of Erwin will make a determination to accept, reject, or refer (to the proper agency) a complaint within seven (7) calendar days of acknowledgement of its receipt.

Procedure for processing complaints:

- Step 1:** Upon receiving a Title VI complaint, the Title VI Coordinator will determine whether the complaint states a valid claim. If the complaint states a valid claim, it will be accepted for processing immediately and both the complainant and recipient will be so notified.
- Step 2: A.** The Town of Erwin will maintain a log of all complaints and appeals. The complaint will be noted in the log by case number based on year, month, and sequence in which the complaint was received.
- B.** The Town of Erwin will forward an initial report to TDOT who will then determine jurisdiction. TDOT will send an initial report to FAA, FHWA, FTA within seven (7) working days. A copy of the complaint will also be forwarded to both the recipient and complainant which will include the name and telephone number of the Title VI officer assigned to investigate the complaint.
- C.** The investigating office will initiate the investigation by first contacting the complainant by telephone within three (3) working days of receiving the assignments.

- D. The complainant will be informed that they have the right to have a witness or representative present during the interview and may submit any relevant documentation.
- E. The alleged discriminatory service or program will be given the opportunity to respond to all allegations.
- F. The TDOT investigating officer will determine which witness will be contacted and questioned.
- G. Prior to a final report, the complainant will be given the opportunity to rebut any previously made statements.
- H. The TDOT investigation will be completed and a final report sent to the above referenced agencies as well as the complainant and recipient within 60 days of receipt of complaint.

Step 3: The final report will include the following:

- Upon recommendation of corrective action, the alleged discriminatory agency will be given thirty (30) calendar days to inform the Director of Title VI what actions have been taken to reach compliance.
- Corrective action can be in the form of actions to be taken at a future date after the initial thirty (30) days.
- If the corrective action has not been taken within the allotted thirty (30) day period, the recipient will be found to be in noncompliance with Title VI and further action will be taken through the legal office.

Finding of non-compliance:

Should the recipient fail to rebut the Title VI office's finding of discrimination and can neither mitigate nor justify the finding, the Title VI office within sixty (60) days from the start of the complaint investigation, send the recipient a written notice of finding of noncompliance with a copy to the legal office for enforcement action. The Title VI office's notice may include recommendations for the recipient to achieve voluntary compliance negotiations.

Voluntary compliance:

The recipient will have thirty (30) calendar days from receipt of the formal determination of noncompliance within which to come into voluntary compliance. Should the recipient fail to meet this deadline, the

Title VI office will start procedures to deny, annul, suspend, or terminate TDOT assistance in accordance with Federal regulations (28 C.F.R. 50.03)

Alternative Courses of Action:

1. Court enforcement compliance with the nondiscrimination mandate of Title VI.
2. Administrative action – effective alternative courses not involving litigation.

Ultimate Sanctions:

The ultimate sanctions under Title VI are the refusal to grant an application for assistance and the termination of assistance being rendered. Before these sanctions may be invoked, the Act requires completion of the procedures called for.

Appeals Procedure:

- The complainant has the right to appeal all written reports to the Title VI Advisory Board.
- This appeal must be made in writing to the Title VI Director within fourteen (14) days of receipt of the Department's final report.
- The appeal must specifically cite the portions of the finding with which the complainant disagrees and his/her reasons for disagreement.
- The Title VI director will forward this appeal within seven (7) calendar days to the TDOT Title VI Advisory Board for review.
- The Board's review of the finding will be based on the entire record.
- The Board must complete the appeal review within thirty (30) calendar days after receipt of the appeal.
- The Board will forward their written findings to the complainant and the TDOT Commissioner.