

## **Section 5: Complaints of Discrimination Procedure**

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaint at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

### **Complaint Procedure**

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination or prohibited by discrimination requirements may file a complaint with Franklin Transit or the Federal Transit Administration Office of Civil Rights Attention: Complaint Team East Building, 5<sup>th</sup> Floor – TCR 1200 New Jersey Avenue, SE Washington, DC 20590. A formal complaint must be filed within one hundred and eighty (180) days of the alleged occurrence.
2. In Cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the complainant and if necessary assist the person in converting verbal complaints into writing. All Complaints must, however, be signed by the complainant or his/her representative.
3. Complaints shall state, as fully as possible, the circumstances and facts surrounding the alleged discrimination.
4. Franklin Transit will provide the complainant or his/her representative and any respondent with a written acknowledgement, within five (5) working days of receipt, that Franklin Transit has received the complaint.
5. A copy of the complaint will be forwarded to Franklin Transit's legal counsel for review.
6. The Executive Director will assign an Investigator to the complaint.
7. The investigator will determine if the complaint has investigative merit:
  - a. It was received within 180 days of the alleged occurrence.
  - b. It does not appear to be frivolous or trivial.
  - c. It involves Franklin Transit or a subrecipient.
  - d. Any complaint against a contractor that involves a Franklin Transit federally funded contract.
8. The complainant will be notified of the status of the complaint within ten (10) days of receipt of the complaint, by registered mail.
  - The complaint will not be investigated and the reasons why the complaint does not have investigative merit.
  - The complaint will be investigated and a request for additional information needed to assist the investigator.

9. The complainant must submit the requested information within sixty (60) working days from the date of the original request. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for determination of no investigative merit. Failure of the contractor to submit additional information with the designated timeframe may be considered good cause for a determination of noncompliance under the contract.
10. The internal Investigator must, within fifteen (15) working days, supply the Executive Director with a status report of their investigation and/or resolution of the complaint.
11. Within sixty (60) days of the receipt of the complaint, the Investigator will prepare a written report for the Executive Director that shall include:
  - A description of the incident, including persons or entities involved.
  - A statement of the issues raised by the complainant and the respondents reply to each of the allegations.
  - Description of the investigation, including list of persons contacted and summary of the interviews conducted.
  - A statement of the Investigators findings and recommendation for disposition.
12. The investigative report and findings for the complaint will be sent to legal counsel for review.
13. The Executive Director shall, based on the information before him/her and in consult with legal counsel, make a determination on the disposition for the complaint. Determination shall be made within (10) days from Executive Director's receipt of the investigator's report.
14. Notice of the Executive Director's determination will be mailed to all parties involved in the complaint. Notice shall include information regarding appeal rights of complainant and instructions for initiating such appeal.
  - If the complainant is dissatisfied with the determination and/or resolution the complaint may be submitted to the Federal Transit Administration (FTA) for investigation. For more information please contact the Federal Transit Administration, Office of Civil Rights, 230 Peachtree NW, Suite 800, Atlanta, GA 3030 / (404) 865.5600
15. A copy of the complaint and Franklin Transit investigation report/letter of finding will be issued to FTA within ninety (90) days of the receipt of the complaint.