

PAG TITLE VI COMPLAINT PROCEDURE

August 1, 2019

Any person who believes that he or she has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 or the Rehabilitation Act of 1973 may file a Title VI discrimination complaint.

PAG maintains a Title VI complaint log and provides a Title VI complaint form on the PAG's website as well as at the office front desk. PAG staff have been trained on the federal Title VI requirements and how to assist any member of the public who would like to file a Title VI complaint.

The Title VI complaint procedures described below apply to PAG and its programs, as well as to consultants and contractors funded through PAG.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing, investigating and resolving all Title VI complaints relating to services and programs funded by FHWA dollars. Complaints related to services or programs funded by FTA dollars may be processed and investigated by PAG.

Title VI complaints may be submitted to any of the contacts below.

Nathan Barrett
Title VI Coordinator
Pima Association of Governments
1 E. Broadway Blvd, Suite 401
Tucson, AZ 85701
Telephone (520) 792-1093, FAX (520) 620-6981
nbarrett@pagregion.com

ADOT Civil Rights Office
206 S. 17th Ave.
Mail Drop 155A
Phoenix, AZ 85007
(602) 712-8946
civilrightsoffices@azdot.gov

Federal Highway Administration
U.S. Department of Transportation

Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
(202) 366-0693
Civilrights.fhwa@dot.gov

Required procedures for FHWA Title VI Complaints filed against PAG, PAG's subrecipients, contractors or consultants:

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA-related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, can file a formal complaint with PAG. A copy of the Complaint Form may be accessed electronically at: <http://www.pagregion.com/www.pagnet.org/AboutPAG/TitleVI%28NonDiscrimination%29/tabid/1076/Default.aspx>
2. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. However, the complainant may call PAG and provide the allegations by telephone for transcription. Once transcribed PAG will send the written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
 - a) A written explanation of what has happened;
 - b) A way to contact the complainant;
 - c) The basis of the complaint (e.g., race, color, national origin);
 - d) The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated;
 - e) Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal Highway Administration financial assistance; and is a consultant, contractor or subrecipient of PAG and
 - f) The date(s) of the alleged discriminatory act(s).
5. Upon receipt of a completed complaint, PAG will forward all FHWA Title VI complaints to Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.

6. ADOT CRO will forward all FHWA Title VI complaints to the FHWA Division Office.
7. All Title VI complaints received by the FHWA Division Office will be forwarded to the FHWA Office of Civil Rights for processing and potential investigation.
8. If the FHWA Office of Civil Rights determines a Title VI complaint against a subrecipient can be investigated by ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to ADOT CRO. ADOT CRO will conduct the investigation and forward the Report of Investigation to the FHWA Office of Civil Rights for review and final disposition.
9. The disposition of all Title VI complaints will be undertaken by the FHWA Office of Civil Rights, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the FHWA Division Office.
10. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the Federal Highway Administration using the contact info above.

All FHWA Title VI complaints will be forwarded to ADOT within 72 hours for processing.

Complaints regarding FTA funding and programs may be investigated by PAG, according to the following procedures:

1. Any person who believes he and/or she has been discriminated against on the basis of race, color, national origin, or disability may file a Discrimination complaint by completing and submitting the agency's Title VI Complaint Form.
2. Formal complaints must be filed within 180 calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
3. Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The ADA/Title VI contact person will assist the complainant with documenting the issues if necessary.

4. Allegations received by fax or e-mail will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.
5. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.
6. Once submitted PAG will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the PAG or submitted to the State or Federal authority for guidance.
7. PAG will notify the ADOT Civil Rights Office of ALL Discrimination complaints within 72 hours via telephone at 602-712-8946; or email at civilrightsoffice@azdot.gov.
8. PAG has 60 business days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has 60 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 60 business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.
9. After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Discrimination violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.
10. A copy of either the closure letter or LOF must be also be submitted to ADOT within 72 hours of that decision. Letters may be submitted by hardcopy or email.
11. A complainant dissatisfied with PAG decision may file a complaint with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) offices of Civil Rights:

ADOT: ATTN ADA/Title VI Program Coordinator
206 S. 17TH Ave MD 155A RM: 183

Phoenix AZ, 85007

FTA: Attention Title VI Program Coordinator,
East Building, 5th Floor-TCR
1200 New Jersey Ave., SE
Washington DC 20590

12. A copy of these procedures can be found online at:
<http://www.pagregion.com/www.pagnet.org/AboutPAG/TitleVI%28NonDiscrimination%29/tabid/1076/Default.aspx..>

