

## Sub-Part 6203 – Office of Civil Rights

### Chapter 00300 Complaint Procedures For The Ms Department Of Transportation Under Title Vi Of The Civil Rights Act Of 1964, As Amended

#### Purpose

- 100 To comply with Title VI of the Civil Rights Act of 1964, as amended, authority has been delegated to the Civil Rights Director (hereinafter CRD) for civil rights compliance. The procedures set out in the Title VI Implementation Plan are intended to identify the responsibilities between the CRD and MDOT Divisions and District Offices for prompt processing and disposition of Title VI complaints received directly by MDOT to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, age, handicap, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation including the Federal Highway Administration.
- 101 Such discrimination is also prohibited against the traveling public and business users of the federally-assisted highways in their access to and use of the facilities and service provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the right-of-way of such highways or on property which is disposed of by the Department. In addition, such discrimination by the Department and its agents is prohibited against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.
- 102 This document is issued by the Mississippi Department of Transportation (hereinafter MDOT) which sets forth procedures for enforcing the requirements of Title VI of the Civil Rights Act of 1964 with respect to the filing, processing, investigating, and disposing of complaints of discrimination.

#### SCOPE

- 200 A. MDOT. The procedures apply to all Divisions and Districts under the authority of the Department.
- 201 B. Sub recipients and Contractors. These procedures apply to all MDOT's primary and secondary recipients of federal-aid, including contractors and subcontractors.

#### FILING OF COMPLAINTS

- 300 A. Who May File A Complaint. Any person who believes that he or she, any specific class of persons, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 may by himself or herself or by a representative file a complaint. The basis of the discrimination

charge would include race, color, national origin, sex, age, handicap, or disability, or retaliation for opposing any practice made unlawful by Title VI and its parallel statutes or for participating in any stage of administrative or judicial proceedings under such laws prohibiting discrimination.

301 B. Computation of Time for Filing.

1. The complainant must file a complaint not later than 180 days after:
  - a. The date of the occurrence of the alleged discrimination; or
  - b. Where there has been a continuing course of prohibited conduct, the date on which the conduct was discontinued.
2. Time periods in these procedures that are set forth in terms of days constitute calendar days unless otherwise stated.
3. In computing any period of time prescribed or allowed by these procedures the day of the act or event from which the designated time period begins to run shall not be counted. The last day of the period shall be included unless it falls on a Saturday, a Sunday, or a legal holiday, as defined by statute, or any other day when MDOT Offices are closed, whether with or without legal authority, in which case the period shall be extended to run until the end of the next business day.
4. The Executive Director of MDOT or the CRD for cause shown may at any time in his/her discretion extend the time for filing or waive the time limit in an equitable manner in the interest of justice. In any event, this action must be approved by the Federal Highway Administration.
5. Timely filing of a complaint constitutes the following:
  - a. delivery of the written complaint in person by the complainant or representative of the complainant within the applicable filing period; or
  - b. delivery by mail postmarked before the expiration of the applicable filing period; or
  - c. delivery by facsimile.

302 C. Contents of Complaints. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. In addition, each complaint should contain the following:

1. The full name, address and telephone number of the person making the complaint;

2. The full name(s) and address(es) of the person(s), governmental entity, or business organization(s) against whom the complaint is made (the respondent);

3. A statement setting forth as fully as possible the facts and circumstances surrounding the claimed discrimination including the date of the alleged unlawful act(s) or event(s) and explanation of efforts, if any, that the complainant attempted to make to resolve the complaint's issues with the respondent; and

4. A statement disclosing whether the complaint or other statement describing the alleged discriminatory act(s) or event(s) has been filed with other State, Local or Federal agencies and, if so, the dates of such filings, the name, and address of the agencies.

303 In the event that a person makes a verbal complaint of discrimination to an official or employee of MDOT, the official or employee should report the complaint to the designated Division or District Title VI Coordinator or to the CRD. The Title VI Coordinator or CRD will then interview the person making the verbal complaint. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature and verification. The complaint will then be handled in the manner as herein set forth.

#### PROCESSING OF COMPLAINTS

400 Complaints must be processed internally according to S.O.P. No. ADM-09-01-00-000.

401 Dismissals of Complaints. A complaint will be dismissed for the following reasons:

Where the complainant fails or refuses to provide requested information, fails or refuses to appear or to be available for interviews or conferences as determined necessary, or otherwise fails or refuses to cooperate with MDOT's inquiries or investigation.

#### INVESTIGATIONS

500 A. Within 45 days of the complaint receipt date, an investigation will be conducted and completed. The identity of complainants will be kept confidential except to the extent necessary to satisfy the requirements of these procedures and federal law, including the conduct of any investigation, hearing, or judicial proceeding.

501 B. Resolution of Complaints. Within 90 days of receipt of a complaint, the Executive Director will send a written decision to the complainant to include the following:

1. The proposed disposition of the whole matter;

2. Notification to the complainant of his/her appeal rights with the Federal Highway Administration or U.S. Department of Transportation, if he/she is dissatisfied with the final decision rendered by MDOT; and

3. The final decision will also be communicated to the respondent(s). FHWA will be provided with a copy of the decision and summary of findings.