

## **SECTION 5 – COMPLAINT PROCESS**

### **5.1 Complaint Procedure**

- 1. Submission of Complaint:** Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, national origin, age, sex, disability, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination by INCOG or any of their recipients may file a written complaint with the INCOG Executive Director, the Oklahoma Department of Transportation, US Department of Transportation, or the US Department of Justice. A sample complaint form is available in this document (see Sample Forms) and upon request. Such complaints should be filed within 180 days of the date the person believes the discrimination occurred or when there's been a continuing course of conduct, date on which that conduct was discontinued. Note: Upon request, assistance, in preparation of any necessary written material, will be provided to a person(s) who is unable to read or write. Complaints should be mailed to:

**INCOG Executive Director  
Nondiscrimination Administration  
2 W. 2<sup>nd</sup> St., Suite 800  
Tulsa, OK 74103**

- 2. Referral to Review Officer:** Upon receipt of the signed complaint form, INCOG Executive Director will give the complaint to the designated Title VI Coordinator who will log-in the complaint, determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation. The designated Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint.

Within ten (10) business days, the designated Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation. The notification letter contains:

- a. The basis of the complaint.
- b. A brief statement of the allegation(s) over which INCOG has jurisdiction.
- c. A brief statement of INCOG's jurisdiction over the recipient to investigate the complaint; and
- d. An indication of when the parties will be contacted.

The designated Title VI Coordinator also notifies the Oklahoma Department of Transportation (ODOT) within ten (10) calendar days of receipt of the allegations who will notify the appropriate Federal Agency. Generally, the following information will be included in every notification to the Oklahoma Department of Transportation's Civil Rights Division:

- a. Name, address, and phone number of the complainant.
- b. Email address if available.
- c. Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap).
- d. Date of the alleged discriminatory act(s).
- e. Date of complaint received by the recipient.
- f. A statement of the complaint.
- g. Other agencies (state, local, or Federal) where the complaint has been filed.
- h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.

Within sixty (60) calendar days from the date the original complaint was received, the designated Title VI coordinator will conduct and complete an investigation of the allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the Oklahoma Department of Transportation.

The designated Title VI Coordinator will conduct in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, sex, age, national origin, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the

complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The designated Title VI Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.

The designated Title VI Coordinator will forward the investigative report to the Oklahoma Department of Transportation. The Oklahoma Department of Transportation will review the report and forward the investigative report to the appropriate Federal Agency. Included with the reports is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, the disposition and the date of the disposition, and any other pertinent information. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to the Oklahoma Department of Transportation at this stage and the report shall follow upon completion. The appropriate Federal Agency reviews and issues the official Letter of Findings to the complainant.

**3. Submission of Complaint to the Oklahoma Department of Transportation, Federal Transit Administration, Federal Highway Administration, US Department of Transportation, or US Department of Justice:**

**Jenny K. Chong**

**State Title VI Branch/Title VI Coordinator**

**Civil Rights Division**

**Oklahoma Department of Transportation**

**200 N. E. 21<sup>st</sup> Street, Room 1-C5 - Oklahoma City, OK 73105-3204**

**Phone: 405.521.2072**

**Toll Free: 1.800.788.4539**

**Fax: 405.522.2136**

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**U.S. Department of Transportation  
Federal Transit Administration  
East Building, 4<sup>th</sup> Floor  
ATTN: Office of Civil Rights  
1200 New Jersey Avenue, SE  
Washington, DC 20590**

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**U.S. Department of Transportation  
Federal Highway Administration  
Office of Civil Rights  
400 7th Street, S.W., Room 4132  
Washington, DC 20590  
Title VI Coordinator: 202-366-2024  
Email: [CivilRights.FHWA@fhwa.dot.gov](mailto:CivilRights.FHWA@fhwa.dot.gov)**

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**U.S. Department of Justice  
Civil Rights Division  
Coordination and Review Section or Disability Rights Section – NYA  
950 Pennsylvania Avenue, N.W  
Washington, DC 20530  
Title VI Hotline: 1-888-TITLE-06 (1-888-848-5306) (Voice / TDD)  
ADA Information Line: 1-800-514-0301 (Voice) or 1-800-514-0383 (TDD)**

- 4. Title VI Investigations, Complaints, and Lawsuits:** In order to comply with 49 CFR Section 21.9(b), INCOG and subrecipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming INCOG and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation,

lawsuit, or complaint; and actions taken by INCOG or subrecipient in response to the investigation, lawsuit, or complaint.

a. A list of all active lawsuits or complaints alleging discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

*INCOG's legal counsel states that MPO has no active lawsuits or complaints on the basis of race, color or national origin at this time (June, 2011).*

b. A description of all pending applications for financial assistance currently provided by other Federal agencies to the grantee.

*The MPO has no pending grant applications.*

c. A summary of all civil rights compliance reviews conducted by other local, state or federal agencies in the last 3 years.

*Civil rights compliance review was included in the MPO certification in 2009.*

*Reviewing agencies included the Oklahoma Department of Transportation, FHWA, and FTA. The MPO was found in compliance.*

d. The most recent date of the grantees signed Annual Certifications and Assurances.

*The federal fiscal year 2011 FTA Certifications and Assurance for INCOG, as the MPO, were approved and electronically pinned in TEAM on 3/31/2011 by Viplav Putta, Transportation Planning Manager.*