



TITLE VI DISCRIMINATION COMPLAINT PROCEDURE

General

Title VI of the Civil Rights Act of 1964, ensures “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Any person who believes they have been discriminated against with respect to transit services or benefits on the basis of race, color, or national origin may file a Title VI complaint with the Imperial County Transportation Commission. Complainants may also file an online or written complaint directly with the Federal Transit Administration (FTA). FTA recommends, but does not require, that individuals first file a complaint directly with their transit provider to give it an opportunity to resolve the situation.

Related federal statutes and state law further those protections to include sex, disability, religion, sexual orientation, and age. Any person that believes they have been discriminated against on bases other than race, color, or national origin will be referred to the appropriate complaint or grievance process.

Complaint Procedures

Complaints alleging discrimination on the basis of race, color, or national origin may be submitted to the Title VI Coordinator of the Imperial County Transportation Commission, 1503 N. Imperial Ave Suite 104, El Centro, CA 92243. Every effort will be made to obtain early resolution of complaints.

1. The complaint must meet the following requirements:
 - a. The complaint shall be in writing and signed by the Complainant(s). If the Complainant cannot complete a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the Complainant and assist the person in converting the verbal complaint to writing. All complaints must be signed by the Complainant or his/her/their representative.
 - b. The Complaint must contain information about the alleged discrimination such as name, address, and phone number of complainant(s), and location, date and description of the issue. The description of the alleged act of discrimination or disparate treatment should include, as appropriate: type or name of service, bus number, location (city/streets) date and time of day, employee name, position or badge number if available, and any person(s) involved or witnesses to the problem.
 - c. Per federal law the complaint must be filed within 180 days of the alleged incident.

- d. The complaint should be submitted to:
Imperial County Transportation Commission
Attn: Michelle Bastidas, Title VI Coordinator
1503 N. Imperial Ave. Suite 104, El Centro CA, 92243
Office: (760) 592-4494
Fax: (760) 592-4410
E-mail address: michellebastidas@imperialctc.org
2. The ICTC Title VI coordinator will acknowledge receipt of the complaint in writing within ten (10) working days.
3. The ICTC Title VI coordinator will maintain a log of all Title VI complaints identifying complainant's name, date, nature of the complaint, and basis for the discrimination complaint based on a protected class. Coordinator will maintain a list of formal complaints received that will include status and resolution.
4. The ICTC Title VI coordinator will forward the formal complaint to Caltrans for investigation (FHWA) or to the Office of Civil Rights (FTA).

Investigation of Complaints

The Title VI Coordinator will review all complaints to determine if there is sufficient merit to warrant investigation. In some cases, there may be a written request to the Complainant to provide additional information. If a complaint is found to have sufficient merit to warrant investigation, the Title VI Coordinator will proceed with an investigation. If the complaint does not warrant investigation, the Title VI Coordinator will then respond within thirty (30) working days to the Complainant and so state.

A complaint can be rejected or dismissed for the following reasons:

1. The complaint is filed past the 180 days of the alleged occurrence.
2. The complaint is not signed or is anonymous.
3. The Complainant fails to respond to repeated requests for additional information.
4. The Complainant cannot be located.
5. The Complainant request the withdrawal of the complaint.

Disposition of Complaints

A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Title VI Coordinator and a copy forwarded to the Complainant no later than sixty (60) calendar days after its filing.

A recommendation will be made by the Title VI Coordinator and will be subject to review by the ICTC Executive Director and ICTC Legal Counsel.

In the event that the ICTC or its federally funded contractors and consultants are in non-compliance with the Title VI regulations, remedial actions will be noted.

The notice of the determination will be mailed to the Complainant. Notice shall include information on appeal rights and instructions for initiating an appeal.

A copy of the complaint and the Title VI Coordinator's report shall be issued to the FTA within 120 days of receipt of the complaint. A summary of the complaint, the finding or resolution, will be included as a part of the Title VI updates to the FTA.

Appealing Disposition of Complaints

Complainants that are not satisfied with the disposition of the complaint may appeal to the Executive Director.

1. The appeal should be made with the Title VI Coordinator within ten (10) working days of the date of the resolution.
2. The Executive Director will acknowledge receipt of the appeal in writing within ten (10) working days of receiving the request for appeal.
3. The Executive Director may make a final determination or may choose to refer the matter to the Commission for final action.
4. The resolution and/or referral to the Commission will be communicated to the Complainant. The Commission's decision will be communicated to the Complainant and/or his/her/their designee in writing.

Record Keeping Requirements

The Title VI Coordinator shall maintain a record of each complaint and appeal, the ICTC's response(s), and steps taken to resolve the complaint. The individual's right to a prompt and equitable resolution of a complaint will not be impaired by his/her/their pursuit of other remedies. The use of this grievance process is not a prerequisite to the pursuit of other remedies.

Filing Title VI Discrimination Complaints with the Federal Transit Administration

Individuals may also file Title VI discrimination complaints with the Federal Transit Administration. The Federal Transit Administration's Complaint Procedure is contained in the FTA Circular C4702.1B.

Additional Resources

Federal Transit Administration

Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor-TCR,
1200 New Jersey Ave., SE
Washington, DC 20590

Federal Highway Administration

U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

<https://www.transit.dot.gov/title6>

<https://dot.ca.gov/programs/civil-rights/title-vi>

https://www.fhwa.dot.gov/civilrights/programs/title_vi/