



Puget Sound Regional Council

Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by PSRC or its subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints 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, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with PSRC's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).

- b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
- c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
- d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) 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 e-mail transmittal for PSRC to be able to process it.
- e. 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 to PSRC for processing.

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of PSRC's subrecipients of federal funds, PSRC will assume jurisdiction and will investigate and adjudicate the case. Complaints against PSRC will be referred to the Washington State Department of Transportation's (WSDOT) Office of Equal Opportunity (OEO), the Federal Highway Administration or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.

3. In order to be accepted, a complaint must meet the following criteria:
- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
 - d. The complainant(s) must accept reasonable resolution based on PSRC's administrative authority (reasonability to be determined by PSRC).

4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once PSRC or WSDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in PSRC's or WSDOT's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
6. In cases where PSRC assumes the investigation of the complaint, PSRC will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of PSRC's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where PSRC assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, PSRC's Investigator* will prepare an investigative report for review by the agency's Legal Counsel and Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

* This can be one of PSRC's Title VI Liaisons, or PSRC's Title VI Coordinator.
8. The investigative report and its findings will be sent to PSRC's Legal Counsel for review. The Counsel will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.
9. Any comments or recommendations from PSRC's Legal Counsel will be reviewed by PSRC's Investigator. The Investigator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
10. PSRC's final investigative report and a copy of the complaint will be forwarded to WSDOT's OEO within 60 calendar days of the acceptance of the complaint. WSDOT's OEO will share the report with FHWA and FTA, Washington Division Offices, as part of its Annual Title VI Update and Accomplishment Report.

11. PSRC will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OEO. WSDOT's OEO will issue the final decision to PSRC based on PSRC's investigative report.

12. Once WSDOT's OEO issues its final decision, PSRC will notify all parties involved about such determination. WSDOT's final determination is not subject to an appeal.

13. WSDOT will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by PSRC. WSDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.