

Appendix D – Title VI Complaint Procedure

PIONEER VALLEY METROPOLITAN PLANNING ORGANIZATION (PVMPO) TITLE VI DISCRIMINATION COMPLAINT PROCEDURE

(Revised 3/13/2013 per FTA language)

Title VI of the Civil Rights Act of 1964 and its amendments prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance. Two Presidential Executive Orders and related statutes further define populations that are protected under the umbrella of Title VI: Executive Order 12898, which is concerned with environmental justice (EJ) for minority and low-income persons; and Executive Order 13166, which is concerned with providing equal access to services and benefits for those individuals with limited English proficiency (LEP).

The purposes of Title VI include preventing the denial, reduction or delay of federally supported benefits to minority and low-income persons; ensuring full and fair public participation in the transportation planning processes of metropolitan planning organizations (MPOs); and ensuring that the policies and programs of MPOs do not have disproportionately adverse effects on minority and low-income persons.

Therefore, to comply with 49 CFR Section 21.9(b), the Pioneer Valley Metropolitan Planning Organization (PVMPO) maintains the following procedure to receive, review, resolve and track complaints related to Title VI.

1. How to Submit a Complaint

Any person who believes that he or she or any specific class of persons has been subjected to discrimination that is prohibited by Title VI of the Civil Rights Act of 1964, its amendments and related statutes, by the Pioneer Valley Metropolitan Planning Organization (PVMPO) in its role of planning and programming federal funds may submit a written complaint. Complaints may be submitted for discrimination on the basis of race, color, national origin or language. Any such complaint shall be submitted no later than 180 days after the date the person believes the discrimination occurred. Written complaints shall include a copy of the official complaint form (see appendix J) and be submitted to:

Massachusetts Secretary of Transportation, Chair
Pioneer Valley Metropolitan Planning Organization
c/o Title VI Specialist /Coordinator
Pioneer Valley Planning Commission
60 Congress Street
Springfield MA 01104

All complaints shall be in writing using the complaint form (see appendix J) and shall set forth as completely as possible the relevant facts and circumstances surrounding the alleged discrimination. Language translations of the complaint form other than those available on the PVPC website will be made available upon request. The following information shall be included:

- Name, address, and phone number of the complainant.
- A statement of the complainant, including:
 - The basis of the alleged discrimination (race, color, national origin, or language).
 - A detailed description of the alleged discriminatory act(s).
 - What in the nature of the alleged act(s) led the complainant to feel that discrimination was involved.

- The date(s) on which the alleged discriminatory act(s) occurred.
- The name(s) of individual(s) alleged to have participated in the act(s).
- The names of all other agencies or organizations where the complaint is also being filed (if applicable).
- The signature of the complainant and date submitted.

2. Review of Complaints

Upon receipt of the complaint, the PVMPO chair shall direct the PVMPO staff executive director to review it. The PVMPO staff executive director shall provide written acknowledgment of receipt to the complainant within ten (10) business days.

The review may include the gathering of additional information from the complainant and/or the alleged discriminating party or parties.

Upon completion of the review, the PVMPO staff executive director shall submit 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 Title VI 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. If the complainant wishes to appeal the decision she/he has 60 days after the date of the letter or the LOF to do so.

If more time is required for the review, the PVMPO staff executive director shall notify the complainant and PVMPO chair of the anticipated additional time needed.

3. Resolution of Complaints

The PVMPO staff executive director shall submit the report of findings to the members of the PVMPO for discussion and action. A copy of the report shall also be provided to the complainant. The PVMPO shall issue a written response to the complainant describing any action taken. The response shall be issued no later than sixty (60) calendar days after the date on which the complaint was received. If more time is required for action, the PVMPO shall notify the complainant of the anticipated additional time needed.

4. Concurrent Complaints and Appeal

The procedures described above do not in any way abridge the right of the complainant to file concurrent complaints with other state or federal agencies and/or to seek private counsel. The procedures above are part of an administrative resolution process that does not include punitive damages or compensatory remuneration. The complainant has the right to appeal the PVMPO's response by submitting the complaint to the Federal Transit Administration. Notice of this right shall be included in the PVMPO's written response to the complainant. Any person may file a complaint directly with the Federal Transit Agency at the FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590.

5. Complaint Tracking

The PVMPO will maintain a log of Title VI complaints received. This log will be available for public review at the offices of the Pioneer Valley Planning Commission, 60 Congress Street, Springfield MA 01104, during business hours.

Revised March 13, 2013
Pioneer Valley Metropolitan Planning Organization