

**Toledo Metropolitan Area Council of Governments
(TMACOG)
May 2007**

**Nondiscrimination Complaint Procedures
for
Programs or Activities of TMACOG**

These procedures cover all external complaints regarding TMACOG programs and activities filed under Title VI of the Civil Rights Act of 1964 as contained in 49 CFR 21, "Nondiscrimination in the Federally-Assisted Programs of the Department of Transportation." Title VI says that "[n]o 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."

These procedures, required per 23 CFR 200.9 (b)(3), also cover external complaints regarding TMACOG programs or activities filed under other related nondiscrimination laws that additionally prohibit discrimination on the basis of disability, sex, age and/or or low income. This includes, but is not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, 23 USC 324, 42 USC 610, Executive Order 13166, and the DOT Order on Environmental Justice and Executive Order 12898. These procedures are for any external discrimination complaints relating to any program or activity administered by TMACOG.

49 CFR 21 outlines types of prohibited discriminatory actions per that law. It follows, in part:

- (1) A recipient to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin:
 - (i) Deny a person any service, financial aid, or other benefit provided under the program;
 - (ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
 - (iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
 - (iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
 - (v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;
 - (vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise afford him/her an opportunity to do so which is different from that afforded others under the program; or

- (vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

The law prohibits intimidation or retaliation of any kind. The procedures do not deny the right of the complainant to file formal complaints with other federal, state or local agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints.

PROCEDURE

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 the TMACOG Vice President of Finance and Administration. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, the TMACOG Vice President of Finance and Administration will determine TMACOG's jurisdiction, acceptability of the complaint, and need for additional information. TMACOG will also acknowledge receipt of the complaint by notifying the complainant.
3. The TMACOG Vice President of Finance and Administration will assign or designate a staff person from whose area is affected by the complaint to investigate the merit of the complaint.
4. The complaint will receive a case number and will be logged in the TMACOG records identifying the basis of the complaint and the race, color, national origin, and gender of the complainant. The assigned staff will start the investigation.
5. Within 50 calendar days of the receipt of the complaint, TMACOG's investigator will prepare an investigative report for the president's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. TMACOG will also include signed affidavits from all parties - complainant, accused, and witnesses - as applicable. Any reports or documents gathered during the investigation will also be included.
6. The investigative report and its findings shall be sent to TMACOG's legal counsel for review. The counsel will review the report and associated documentation and will provide input within 10 calendar days.
7. TMACOG's investigator will review any comments or recommendations from TMACOG's legal counsel. The investigator will discuss the report and recommendations with the president. The report will be modified as needed and made final for its release.

8. Once TMACOG's investigative report becomes final, the parties will be properly notified of the resolution of the complaint, including recommendations to remedy any discriminatory practice – if such practice is identified, and appeal rights.
9. TMACOG's investigative report and a copy of the complaint will be forwarded to the appropriate oversight agency (for example, the Ohio Department of Transportation), providing the federally funded assistance, within 70 calendar days of the receipt of the complaint.
10. If the complainant is not satisfied with the results of the investigation, he/she shall be advised of their right to appeal. The first appeal will go to the TMACOG Executive Committee for review. The TMACOG Board of Trustees is the final review process within TMACOG. If the complainant remains unsatisfied, TMACOG's determination can be appealed to federal or state entities, as applicable, or to the United States Department of Justice (USDOJ). Appeals of decisions by the TMACOG Executive Committee to the TMACOG Board of Trustees must be filed within 30 days of notification (per step 8) of a decision on the complaint. The TMACOG Board of Trustees will make a decision on the complaint and notify the complainant of such within 120 days. Appeals outside TMACOG must be filed within 180 days after TMACOG's final resolution. Absent new facts, TMACOG will not reconsider its determination.
11. If it is determined, following the initial investigation or following any appeals that TMACOG acted in a discriminatory manner TMACOG will take whatever action is needed, per the recommendations in the investigative report, to remedy the discriminatory practice.

For more information regarding the TMACOG complaint process of filing complaints, please contact:

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