



## **TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) CIVIL RIGHTS DIVISION NONDISCRIMINATION COMPLAINT PROCEDURES**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by TDOT 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 Program Director may be utilized for resolution, at any stage of the process. The Title VI Program Director will make every effort to pursue a resolution of 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 TDOT's Title VI Program Director. 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. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for TDOT to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to 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 TDOT for processing.

2. Upon receipt of the complaint, the Title VI Program Director 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 TDOT's sub-recipients of Federal funds, TDOT will assume jurisdiction or refer the case to an appropriate agency to be investigated and adjudicated. Complaints against TDOT will be referred to the appropriate federal agency for proper disposition pursuant to their procedures.

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.
  - c. The allegation(s) must involve a program or activity of a federal-aid recipient, subrecipient, or contractor.
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 addition information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
5. Once TDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within seven calendar days. The complaint will receive a case number and will then be logged into TDOT's records identifying its basis and alleged harm.
6. In cases where TDOT assumes the investigation of the complaint, TDOT 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 TDOT written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. TDOT's final investigative report and a copy of the complaint will be forwarded to FHWA (or appropriate federal agency) and affected parties within 60 calendar days of the acceptance of the complaint.
8. TDOT will notify the parties of its final decision.
9. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the appropriate federal agency.