



## Title VI Complaint Procedure

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### Complaint Filing

KYOVA Interstate Planning Commission uses the following, detailed internal procedure for prompt processing and resolution of all Title VI complaints. These procedures include but are not limited to:

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with KYOVA's Title VI Coordinator. A complaint may also be filed by a representative on behalf of such a person.
2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:
  - ❖ The date of the alleged act of discrimination; or
  - ❖ Where there has been a continuing course of conduct, the date on which that conduct was discontinued.
3. Complaints shall be filed using KYOVA's Title VI Complaint Form (click here for form) or by contacting the KYOVA's Title VI Coordinator at 304-523-7434). Complaints shall be set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The Complaint shall then be handled in the usual manner.

Complaints should be directed to:  
KYOVA Interstate Planning Commission  
Attention: Title VI Coordinator  
400 Third Avenue / P. O. Box 939  
Huntington, WV 25712  
Phone: 304-523-7434

4. Upon receipt of the completed and signed complaint form, the Title VI Coordinator will log-in the complaint, determine the basis of the complaint and determine who should conduct the investigation. In many cases, the Title VI Coordinator will serve as the investigator.
5. The Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint. KYOVA will not proceed with or continue a complaint investigation if:
  - a. The Complaint Form is not complete or signed.
  - b. The complaint is, on its face value without merit.
  - c. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
  - d. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.
6. Within ten (10) business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s), and the complainant is advised of other avenues of redress available, such as the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice and Department of Transportation. The notification letter contains:
  - a. The basis of the complaint.
  - b. A brief statement of the allegation(s) over which KYOVA has jurisdiction.
  - c. A brief statement of KYOVA's jurisdiction over the recipient to investigate the complaint; and
  - d. An indication of when the parties will be contacted.



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7. The Title VI Coordinator will notify FHWA's Division office within ten (10) calendar days of receipt of the allegation(s). Generally, the following information will be included in every notification:
  - a. Name, address, and phone number of the complainant.
  - b. Email address, if available.
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap, etc.).
  - d. Date of the alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.
  - g. Other agencies (state, local or Federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.
8. Within sixty (60) calendar days from the date the original complaint was received, the Title VI Coordinator will conduct and complete an investigation of the allegation(s) and assessed on the information obtained, will render a recommendation for action in a report of findings to FHWA's Division Office.
9. The Title VI Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race color, sex, age, national origin, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigator/team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The Title VI Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
10. Within ninety (90) calendar days of receipt of the complaint, the Title VI Coordinator will forward the investigative report to the FHWA. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date, the investigation was completed, the disposition and date of the disposition, and any other pertinent information. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to FHWA and the report shall follow upon completion. The FHWA will review and issue the official "Letter of Findings" to the complainant.

If the complaint cannot be resolved by KYOVA to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The appeal must be filed, in writing no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary to:

Federal Highway Administration  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8<sup>th</sup> Floor E81-314  
Washington, DC 20590

A complaint may be filed with the Secretary; U.S. Department of Transportation, before, during, or after the complaint has been filed with KYOVA Interstate Planning Commission.

### **Informal Title VI Complaint Procedure**

Title VI complaints may be resolved by informal means. When informal means are used, the complainant is informed of his or her right to file a formal written complaint. Any complaint received in writing is considered to be a formal complaint and is handled under the formal complaint procedure outlined above. KYOVA will periodically inform the state DOTs of all informal complaints. When a complaint has been directly filed with another federal agency, KYOVA is to be informed by the agency where the complaint has been filed and is to take whatever action is needed to resolve the complaint.