

Sumter Urban Area Transportation Study (SUATS) Metropolitan Planning Organization (MPO)

Title VI Complaint Procedures

Sumter Urban Area Transportation Study (SUATS) was established by agreement in 1966 between the City of Sumter, Sumter County and the South Carolina Department of Transportation (then called the South Carolina Department of Highway and Public Transportation). The SUATS has carried out the Federal Aid Highway Act of 1962 to develop and maintain a comprehensive, cooperative, and continuing (3-C's) transportation planning process. In 1972, the City-County Planning Commission was established to facilitate the federal regulations as a Metropolitan Planning Organization (MPO) with more than 85,000 populations in 2010 within the Study area.

By virtue, SUATS MPO is funded in part by the US DOT Federal Highway Administration (FHWA) and South Carolina Department of Transportation (SCDOT), the SUATS MPO is abided by all applicable federal and state regulations of programs and projects of SUATS. Therefore, the federal Title VI of the Civil Rights Act of 1964 and SCDOT Title VI Complaint Procedure is applicable to injury or injuries caused by the activity(ies) of SUATS program(s) or project(s).

SUATS Policy Committee hereby adopts the Federal Title VI Civil Rights Act of 1964 (see <http://www.fhwa.dot.gov/civilrights/programs/tvi.htm>) into the SUATS planning process requirements. Furthermore, the Committee adopts the SCDOT Complaint Procedures (see http://www.scdot.org/doing/dbe/pdfs/complaint_procedures.pdf; http://www.scdot.org/doing/dbe/pdfs/complaint_form.pdf) for complaint related matters from filing, acceptance, dismissal, investigation to appeals at the Planning Department of City, County Sumter.

SUATS Policy Committee further resolves that any complaint(s) filed under Title VI of the Civil Rights Act of 1964 must follow the SCDOT Title VI Complaint Procedure. See the following pages for the SCDOT complaint procedure and the discrimination complaint form.

SUATS Policy Committee hereby appoints, Mr. Allan Yu, Senior Transportation Planner, as the Title VI Coordinator to coordinate any complaint(s) filed at the Planning Department of City, County Sumter. The Title VI Coordinator or his designee shall forward complaint(s) to SCDOT for investigation within 7 working days from the date of filing.

This procedure is approved by the SUATS Policy Board on January 30, 2012.



South Carolina
Department of Transportation

South Carolina Department of Transportation (SCDOT)

Title VI Complaint Procedures

Introduction

These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by SCDOT or its sub-recipients, 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 possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. SCDOT will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

Filing

Any person who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint to SCDOT's Title VI Program 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:

- Complaints must be in writing and signed by the complainant(s).
- Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct.
- Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against.

Receipt and Acceptance

Upon receipt of the complaint, the Title VI Program Coordinator will determine its jurisdiction, and need for additional information. The complaint will be forwarded to the SCDOT Secretary of Transportation (Secretary) for a determination of acceptability. The Secretary will notify the complainant, in writing, within ten (10) days of receipt of the complaint.

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, or national origin.
- c. The allegation(s) must involve a program or activity that receives Federal financial assistance.

SCDOT will assume responsibility for investigating complaints against any of its sub-recipients. Complaints in which SCDOT is named as the Respondent, shall be forwarded to the FHWA or the appropriate Federal agency for proper disposition, in accordance with their procedures.

Dismissal

A complaint may be recommended for dismissal for the following reasons:

- a. The complainant requests 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.

Investigation of Complaints

In cases where SCDOT assumes responsibility for investigation, SCDOT will provide the respondent with the opportunity to respond to the allegations in writing. The Secretary will designate an investigative team responsible for evaluating the complaint, developing an investigative plan, conducting interviews, collecting and analyzing evidence, and preparing an investigative report.

SCDOT's final investigative report will be submitted to FHWA (or appropriate Federal Agency) within 60 days of receipt of the complaint. FHWA will issue a final agency decision (FAD) and provide written notification of the decision to the complainant and respondent.

Appeals

If FHWA concludes that the respondent is in compliance with laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

**South Carolina Department of Transportation
DISCRIMINATION COMPLAINT FORM**

Last Name	First Name	<input type="checkbox"/> Male <input type="checkbox"/> Female
Mailing Address	City/State	Zip
Home Telephone	Other Telephone	E-mail Address
Type of Discrimination <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Sex/Gender		
Race of Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaska Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____		
How were you discriminated against? Please explain your complaint as clearly as possible. Include how other persons were treated differently. Use additional sheet(s), if necessary. Attach supporting documents if available.		
Date and place of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date(s) of discrimination.		
The law prohibits intimidation or retaliation against anyone because they have either taken action, or participated in action, to secure rights protected by the laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Describe the action you took which you believe was the cause for the alleged retaliation.		

Name(s) of individual(s) responsible for the discriminatory action(s).

Name(s) of person(s) who may be contacted for additional information to support or clarify your complaint. (Attach additional sheets, if necessary).

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable.

<u>Action</u>	<u>Date</u>
<input type="checkbox"/> Filed with the Federal Highway Administration _____	
<input type="checkbox"/> Filed with the U.S. Department of Transportation _____	
<input type="checkbox"/> Filed with another Federal agency _____	
<input type="checkbox"/> Filed in Federal Court _____	
<input type="checkbox"/> Other action _____	

Please provide any additional information you feel would be helpful in investigating this matter.

Briefly explain what action you are seeking.

Complainant's Signature

Date

Mail Complaint Form To: South Carolina Department of Transportation
Office of Business Development & Special Programs
955 Park Street, Ste 117
Columbia, South Carolina 29202-0191

For Official Use Only

Date Complaint Received: _____

Referred to: _____

Date Referred: _____