

# Pembina Gorge Foundation

## TITLE VI COMPLAINT PROCESS

### A. Scope of Title VI Complaints

The scope of Title VI covers all external Pembina Gorge Foundation activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with Cavalier County Water Resource District for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc., or the allocation of funding.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

### B. Formal Title VI Complaint Procedure

Pembina Gorge Foundation Title VI Policy, assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by Pembina Gorge Foundation, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status and Executive Order 13166 prohibits discrimination based Limited English Proficiency (LEP).

Pembina Gorge Foundation District uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by any program having responsibilities under Title VI. These procedures include but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with the Cavalier County Water Resource District Title VI Coordinator Natalie Gebur GM, PO Box 888, Walhalla, ND 58282, (701) 549-3600. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of Cavalier County Water Resource District programs for it to be considered and processed as an allegation of a discriminatory practice.
2. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. Pembina Gorge Foundation Title VI Complaint Form must be used.
3. The complaint may also be filed with the U.S. Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint 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, U.S. Department of Transportation.

4. Upon receipt of a formal Title VI complaint, the Title VI Coordinator immediately forwards the complaint to the Federal Highway Administration (FHWA) Division Office. Then informs the Pembina Gorge Foundation Agency Director and legal counsel.
- a) Title VI complaints filed against Pembina Gorge Foundation are referred to the FHWA Division Office for processing.
  - b) Title VI complaints are immediately forwarded to the FHWA Division Office for processing.
  - c) The FHWA Headquarters Office of Civil Rights makes the final agency decision. Title VI complaints filed against Pembina Gorge Foundation recipients and subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed in accordance with the FHWA approved complaint procedures as required under 23 Code of Federal Regulations Part 200.  
<http://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm>

C. Informal Title VI Complaint Procedure.

- a. 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.
- b. Such informal attempts and their results are summarized by the Title VI Specialist, and are forwarded to the Title VI Coordinator.
- c. Any complaint received in writing is considered to be a formal complaint and is handled under the formal complaint procedure outlined above.
- d. The Title VI Specialist periodically informs the FHWA Division Office of the status of all complaints.
- e. When a complaint has been directly filed with another federal or state agency, the Title VI Coordinator is to be informed by the division where the complaint has been filed and is to coordinate any action needed by Pembina Gorge Foundation to resolve the complaint.

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By *Natalie Gebur*  
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