

**East Tennessee Human Resource Agency
Public Transit Program**

Title VI Complaint Procedures

XI. Complaint Procedures

The Title VI Coordinator will promptly investigate all complaints of alleged discrimination. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the Title VI Coordinator will inform every complainant of his/her avenues of appeal.

1. Acceptance of the Complaint -Upon receiving a Title VI/ EO complaint or any other complaint alleging discriminatory conduct, impact, or effect, the Title VI Coordinator will conduct an initial evaluation of the merits of the complaint and determine whether it states a valid claim. If so, the Title VI Coordinator will add the complaint to the complaint log and proceed with appropriate investigatory action. If the subject matter or issue does not fall within the jurisdiction of this policy, the Title VI Coordinator will advise the complainant of other available procedures.

2. Notice – If a complaint is determined to be valid, a copy will immediately be forwarded to the Tennessee Attorney General’s Civil Rights Enforcement Division for jurisdictional determination. The complainant, ETHRA’s Executive Director, and the funding source for the program involved will also be notified within three business days that a valid complaint has been filed and an investigation has been opened. If the complainant is a TennCare enrollee, TennCare’s Office of Civil Rights Compliance (“OCRC”) will also be promptly notified of the same. The complainant, the funding source, the Attorney General’s Civil Rights Enforcement Division, and OCRC (if applicable) will receive regular updates regarding the case, as well as a copy of any final decision.

3. Investigation – A formal investigation will be initiated if a complaint is timely, within the scope of this policy, and articulates sufficient facts, which, if determined to be accurate, would support a finding that the Agency’s discrimination policies have been violated.

The general policy of ETHRA is that the Title VI Coordinator investigates all administrative complaints that appear to have merit and are complete or adequately pleaded. Examples of complaints with no apparent merit might include those that are so insubstantial or incoherent that they cannot be considered to be grounded in fact.

4. Complaint Contents - A complete or properly pleaded complaint is:

1. In writing, signed, and provides an avenue for contacting the signatory, e.g., phone number, address, email, etc.; (note: reasonable accommodations are available upon request to all potential complainants who may require special assistance to meet this requirement);

2. Describes, to the extent known and available, the alleged discriminatory act(s) that violate Title VI/ EO regulations (i.e., an act of intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age, disability or other protected categories). This would include: the name of the person(s) directly responsible for the alleged discrimination; the date(s), time(s), and place(s) of the alleged violations; the nature of the alleged violation(s), i.e., race, sex, disability, etc.); a detailed description of the conduct that is the basis of the allegation; copies of any documents or other tangible items pertaining to the alleged violation(s); name(s) and contact information for any witnesses to the alleged violation(s), and any other relevant information.

3. Filed within 180 calendar days of the alleged discriminatory act(s); and

The Title VI Coordinator will decide to accept, reject, or refer (to the appropriate federal or state agency) a complaint within seven (7) calendar days of acknowledgment of its receipt.

5. Processing complaints -

A.) The Title VI Coordinator will maintain a log of all complaints and appeals. The complaint will be logged by case number, based on the year, month, and sequence in which it was received.

B.) A copy of the complaint will also be forwarded to the official responsible for the alleged discriminatory service or program.

C.) The investigating officer will initiate the investigation by first contacting the complainant by telephone within three (3) working days of receiving the assignment to set up an interview.

D.) The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.

E.) The alleged discriminatory service or program official will be allowed to respond to all aspects of the complainant's allegations.

F.) The investigating officer will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.

G.) The investigating officer will contact the complainant at the conclusion of the investigation, but before writing the final report, and allow the complainant to give a rebuttal statement at the end of the investigation process.

H.) The investigation will be completed, and a final report will be sent to the Attorney General's Civil Rights Enforcement Division, OCRC (if applicable, i.e., if the complainant is a TennCare recipient), the

program's funding source, the alleged discriminatory service or program manager, and the complainant within sixty (60) calendar days of the date Title VI Coordinator received the complaint. If an investigation cannot be completed within sixty (60) days, the coordinator will notify the complainant of that fact and provide a timeframe for completing the investigation. The Coordinator's final report will include the following:

- 1) The written complaint containing the allegation, basis, and date of filing;
- 2) Summarized statements taken from witnesses;
- 3) Finding of facts;
- 4) Opinion (based on all evidence in the record) that the incident is substantiated or unsubstantiated;
- 5) Remedial action(s) for substantiated cases;

I.) If corrective action(s) are recommended, the responsible agency supervisor or manager will be given thirty (30) calendar days to inform the Title VI Coordinator of the actions taken for compliance.

J.) Corrective actions can be in the form of actions to be taken at a future date after the initial thirty (30) days, with projected time period(s) in which the action will be completed.

K.) If the recommended corrective action(s) have not been taken within the thirty (30) day timeframe allowed, the program will be deemed to be in noncompliance with Title VI and implementing regulations, and a referral will be made to the Attorney General's Civil Rights Enforcement Division and the program's funding source for enforcement action.

6. Appeals Procedures-

A) The complainant has the right to appeal all written reports to the Attorney General's Civil Rights Enforcement Division, and/or the

program's funding source. TennCare recipients may also have further appeal rights within OCRC procedures.

- B) An appeal must be made in writing to the Title VI Director within fourteen (14) days of the complainant's receipt of the Agency's final report.
- C) The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for disagreement.
- D) The Title VI Coordinator will forward this appeal within seven (7) calendar days to the Executive Director, the Attorney General's Civil Rights Enforcement Division, OCRC (if applicable), and the program's funding source for review.