

# KITTERY AREA COMPREHENSIVE TRANSPORTATION SYSTEM (KACTS)

## TITLE VI COMPLAINT PROCEDURE

KACTS' Title VI Complaint Procedure is made available in the following locations:

- KACTS website ([www.smpdc.org/kacts](http://www.smpdc.org/kacts));
- KACTS office at 110 Main Street, Suite 1400, Saco, ME 04072; and
- KACTS Title VI Program.

### FILING A COMPLAINT

#### I. Introduction

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding KACTS' programs, activities and services as required by statute.

#### II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the Office of Human Resources (OHR) for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

#### III. Roles and Responsibilities

The KACTS Director has overall responsibility for the discrimination complaint process and procedures. The Director may, at their discretion, assign a capable person within KACTS to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make themselves reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

#### IV. Filing Complaints

Applicability – The complaint procedures apply to the beneficiaries of the KACTS programs, activities and services including, but not limited to, the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds.

Eligibility – Any person who believes that they have been excluded from participation in, denied benefits or services of any program or activity administered by KACTS or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI/EJ and Related Statutes.

### Time Limitation and Filing Options

Title VI/EJ complaints of discrimination may be filed with:

- KACTS
- Maine Department of Transportation
- Federal Highway Administration
- U.S. Department of Transportation

In all situations, the KACTS employees must contact the KACTS Director immediately upon receipt of a Title VI/EJ complaint.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a KACTS employee, or other person authorized to receive complaints on behalf of KACTS, shall interview the person. If necessary, the authorized person will assist the person in writing the complaint for the person or the person's representative to sign.

**Designated KACTS special emphasis area operating elements will require the sub-recipients they serve to forward to the Director any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors.**

## **INTERNAL COMPLAINT PROCESSING**

### **Initial Contact**

Special emphasis program area representatives serve as KACTS' resources for members of the public who wish to file a discrimination complaint under Title VI/EJ and related statutes. As resources, they will provide complainants with:

1. An explanation of their filing options;
2. The discrimination complaint process; and
3. A Title VI/EJ and Related Statutes Discrimination Complaint Form.

Use of the Complaint Form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

### **The Complaint Review Process**

1. The Director or their designee reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction.
2. The complaint shall be investigated, unless:
  - The complaint is withdrawn.
  - The complainant fails to provide required information.
  - The complaint is filed beyond the 180-day timeframe.
  - The complainant is not part of a protected group.
  - The complaint is determined to be more appropriately under a jurisdiction other than KACTS. If this is the case, the complainant will be directed to the appropriate agency.
3. Upon determination that the complaint warrants a KACTS investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
4. The respondent – the person alleged to have committed the discrimination – is notified by mail that they have been named in a complaint. The letter also includes the investigator's name and informs the respondent that they will be contacted for an interview.

## **INVESTIGATION**

### **Investigation Plan**

The investigator shall prepare a written plan which includes, but is not limited to, the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that they have been discriminated against;
- Information needed to address the issue;
- Criteria, sources necessary to obtain the information;
- Identification of key people;
- Estimated investigation time line; and
- Remedy sought by the complainant(s).

### **Conducting the Investigation**

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.

### **Investigation Reporting Process**

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Human Resources Director or their designee for review.
- The Director or designee reviews the file and investigative report. Subsequent to the review, the Director makes a final determination of “probable cause” or “no probable cause” and prepares the final decision letter.

### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and the Director’s final decision letter, is forwarded to the Federal Highway Administration’s Maine Division Office within 60 days of the date the complaint was received.

### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.