

Rio Grande Valley Metropolitan Planning Organization

Title VI Complaint Procedures

The Rio Grande Valley Metropolitan Planning Organization (MPO), as a recipient of federal financial assistance and under the Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall, on the grounds of race, religion, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any agency programs or activities. These prohibitions extend from the MPO, as a direct recipient of federal financial assistance, to its sub-recipients (e.g., contractors, consultants, local governments, colleges, universities, etc.). All programs funded in whole or in part from federal financial assistance are subject to Title VI requirements. The Civil Rights Restoration Act of 1987 extended this to all programs within an agency that receives federal assistance regardless of the funding source for individual programs.

This policy is intended to establish a procedure under which complaints alleging discrimination in the MPO's provisions, services, or activities can be made by persons who are not employees of the MPO.

Any Person who believes the MPO, or any entity who receives federal financial assistance from or through the MPO (i.e., sub-recipients, sub-contractors, or sub-grantees), has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination.

The MPO will follow timelines set forth in guidance from the Department of Transportation, the Federal Highway Administration, Federal Transit Administration, and the Department of Justice for processing Title VI discrimination complaints.

When to File

A complaint of discrimination must be filed within 180 calendar days of the alleged act of Discrimination, or discovery thereof; or where there has been a continuing course of conduct, the date on which that conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period.

The filing date is the day you complete, sign, and mail the complaint form. The complaint form and consent/release form must be dated and signed for acceptance.

Complaints received more than 180 days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

Where to file

In order to be processed, signed original complaint forms must be mailed or hand delivered to:

Rio Grande Valley Metropolitan Planning Organization

ATTN: Title VI Coordinator

617 W University Drive

Edinburg, Texas 78539

Upon request, reasonable accommodations may be made for persons who are unable to complete the complaint form due to disability or limited-English proficiency. A complaint may be filed by a representative on behalf of a complainant.

Persons not satisfied with the findings of the MPO may seek remedy from other applicable state or federal agencies.

Required Elements of a Complaint

In order to be processed, a complaint must be in writing and contain the following information:

- Name, address, and phone number of the complainant
- Name(s) and address(es) and business(es)/organization(s) of person(s) who allegedly discriminated
- Date of alleged discriminatory act(s)
- Basis of complaint: i.e. race, color, national origin, sex, age, religion, or disability
- A statement of complaint
- Signed consent release form

Incomplete Complaints

Upon initial review of the complaint, MPO staff will ensure that the form is complete and that any initial supporting documentation is provided. Should any deficiencies be found, MPO staff will notify the complainant within 10 working days. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not respond within the time specified in the request (30 days), the recipient may close the complainant's file.

The complainant may resubmit the complaint provided if it is filed within the original 180-day period.

Should the complaint be closed due to lack of required information, MPO staff will notify the complainant at their last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged discrimination.

Records of Complaints

MPO staff will maintain a record of all complaints received. The information collected may include:

- Basic information about the complaint: when it was filed, who filed it, and who it was against
- A description of the alleged discriminatory action
- Findings of the investigation

Complaint Process Overview

The following is a description of how a discrimination complaint will be handled once received by the Rio Grande Valley Metropolitan Planning Organization (MPO)

1. A complaint is received by the MPO:

Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or limited-English proficiency, upon request reasonable accommodations may be made to ensure the complaint is received and processed.

Complainants wishing to file a complaint but do not have access to the internet or the ability to pick up a form, a complaint form will be mailed to them for completion.

The complainant will be notified If the complaint form we receive is incomplete and ask that they furnish the missing information.

2 Complaint is logged into tracking database:

Completed complaint forms will be logged and tracked. Basic data will be maintained on each complaint received.

3 Determine jurisdiction:

MPO Staff will complete an initial review of the complaint. The purpose of this review is to determine if the complaint meets basic criteria.

Basic criteria required for a complete complaint – alleged discrimination is due to race, religion, color, national origin, sex, age or disability.

Timeliness will be determined to ensure that the complaint was filed within the 180 day time requirement.

The program in which the alleged discrimination occurred will be examined to ensure that the complaint was filed with the appropriate agency. During this process, if a determination is made in which the program or activity that the alleged discrimination occurred is not related to a MPO program or activity, every attempt will be made to establish the correct agency. When possible and with consent granted on the Consent/Release form, the complaint will be forwarded Initial written notice to complainant:

4 Initial written notice to complainant:

Within 10 working days in receipt of the complaint, the MPO will issue the complaint a confirmation receipt of the complaint.

If needed, the notice may request additional information, may notify complainant that the activity is not related to MPO program or activity, or complaint does not meet deadline requirements. Conclusions made in step three will determine the appropriate response to the complaint.

5 Investigation of complaint:

MPO staff will determine the appropriate fact finding process to ensure that all available information is collected in an effort to reach an informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include but is not limited to:

- Internal meetings with MPO staff and legal counsel
- Consultation with state and federal agencies

- Interviews of complainant(s)
- Review of documentation (i.e., planning, public involvement, and technical program activities)
- Interviews and review of documentation with other agencies involved
- Review of technical analysis methods
- Review of demographic data

6. Determination of investigation:

An investigation must be completed within 60 days of receiving the complete complaint, unless the facts and circumstances warrant otherwise.

A determination will be made based on information obtained.

MPO staff and/or designee will render a recommendation for action, including formal and/or informal resolution strategies in a report of findings to the Transportation Policy Committee.

7. Notification of determination:

Within 10 days of completing the investigation, the complainant will be notified by the MPO Transportation Planning Director of the final decision.

The notification will include appeal rights with state and federal agencies should dissatisfaction with the final decision exist.

A copy of this letter, along with the report of findings, will be forwarded to the Texas Department of Transportation, Office of Civil Rights Contract Compliance Section for information purposes.