

## **Bend MPO Title VI Complaint Procedure**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its subsequent laws and regulations, relating to any program or activity administered by BMPO or its subrecipients, 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.

The option exists for informal mediation meeting(s) between the affected parties and the Title VI Coordinator. The Title VI Coordinator in the BMPO will be the duty of the BMPO Manager. The Title VI Coordinator will make every effort to pursue a resolution to the complaint.

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with BMPO Title VI 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.
    - a. Complaint shall be in writing and signed by the complainant(s).
    - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
    - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the incident.
    - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for BMPO to be able to process it.
    - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to BMPO for processing.
  2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against a recipient of BMPO federal funds, BMPO will assume jurisdiction and will
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investigate and adjudicate the case. Complaints against BMPO will be referred to the Oregon Department of Transportation's (ODOT) Office of Equal Opportunity (OEO), for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.

3. 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, religion, color, national origin, gender, disability or income.
    - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor.
    - d. The complainant(s) allegation must be detailed to specify all issues and circumstances of the alleged discrimination.
  4. A complaint shall be investigated unless:
    - a. The complainant requests the withdrawal of the complaint.
    - b. The complainant fails to respond to repeated requests for addition information needed to process the complaint.
    - c. The complainant cannot be located after reasonable attempts.
  5. Once BMPO or ODOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five business days. The complaint will receive a case number and will then be logged into BMPO records identifying its basis and alleged harm, and the race, religion, color, national origin, and gender of the complainant.
  6. In cases where BMPO assumes the investigation of the complaint, BMPO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 business days from the date of BMPO written notification of acceptance of the complaint to furnish his/her response to the allegations.
  7. In cases where BMPO assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, BMPO Title VI Coordinator will prepare an investigative report for review by the BMPO Attorney and the Policy Board. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
  8. The investigative report and its findings will be sent to the BMPO Attorney for review. The BMPO Attorney will review the report and associated documentation and will provide input to the Investigator within 10 business days.
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9. Any comments or recommendations from the BMPO Attorney will be reviewed by BMPO Title VI Coordinator. The Coordinator will discuss the report and recommendations with the Policy Board within 10 business days. The report will be modified as needed and made final for its release.
10. BMPO final investigative report and a copy of the complaint will be forwarded to the FHWA within 60 calendar days of the acceptance of the complaint.
11. BMPO will notify the parties of its final decision.
12. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the U.S. Department of Transportation (USDOT). The complainant has 180 days after BMPO final resolution to appeal to USDOT. Unless the facts not previously considered come to light, reconsideration of appeal to BMPO will not be available.



## **BMPO Title VI Complaint Form**

<b>Complainant's Information:</b>  Name  Address  City/State/Zip Code  Telephone Number	<b><u>Person Discriminated Against</u></b> (if someone other than complainant):  Name  Address  City/State/Zip Code  Telephone Number
Which of the following best describes the reason you believe the discrimination took place?  Race/Color:                      National Origin:                      Sex: Disability:                      Age:                      Income:	
On what date (s) did the alleged discrimination take place?	
Describe the alleged discrimination. Explain what happened and who you believe was responsible (if additional space is needed, add a sheet of paper).	
List names and contact information of persons who may have knowledge of the alleged discrimination.	
Have you filed this complaint with any other federal, state or local agency, or with any federal or state court? Circle all that apply. <div style="display: flex; justify-content: space-around; text-align: center;"> <span>Federal agency</span> <span>State agency</span> <span>Local agency</span> </div> <div style="display: flex; justify-content: space-around; text-align: center;"> <span>Federal court</span> <span>State court</span> </div>	
Please provide contact information for the agency/court where the complaint was filed.	
Name  Address	City/State/Zip Code  Telephone Number

Please sign below. You may attach any other information that you think is relevant to your complaint.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Submit form and any additional information to: Andrea Napoli, AICP Bend Metropolitan Planning Organization 709 NW Wall Street, Suite 102 Bend, Oregon 97701	Phone: (541) 323-8545 Email: <a href="mailto:anapoli@bendoregon.gov">anapoli@bendoregon.gov</a> <a href="http://www.bendmpo.org">http://www.bendmpo.org</a>
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