

Kingsport Metropolitan Transportation Planning Organization (MTPO) Title VI Complaint Investigation Procedure

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and are intended to provide aggrieved persons an avenue to file complaints of discrimination regarding the Kingsport Metropolitan Transportation Planning Organization’s (MTPO) programs and activities. 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 local, state, or federal agencies, or to seek private counsel for complaints alleging discrimination.

Persons Eligible to File a Complaint:

Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin in the programs and activities of the Kingsport MTPO may file a Title VI complaint.

Complaint Basis:

Complaints of alleged discrimination must be based on issues involving race, color, or national origin. Discrimination under Title VI is an act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, or national origin has been otherwise subjected to unequal treatment or disparate impact under any program or activity receiving federal financial assistance.

Filing Time:

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

Form of Complaints:

- Complaint shall be in writing and signed by the complainant(s) or representative(s).
- Complainant’s name, address, and telephone number, or other means by which the complainant may be contacted.
- Include the date of the alleged act of discrimination.
- Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint issue.
- Allegations received by fax or email will be acknowledged and processed once the identity(ies) of the complainant(s) has been confirmed. The complainant is required to

mail a signed, original copy of the fax or email transmittal before the complaint can be processed.

- Allegations received by phone will be reduced to writing and provided to complainant for confirmation, revision, and signature before processing.

Complaint Review Process:

A *Title VI Complaint Form* has been prepared for complainants to use, at their discretion, to file their complaint with the City of Kingsport, the Federal Highway Administration (FHWA), the Tennessee Department of Transportation (TDOT), or the Virginia Department of Transportation (VDOT). Contact information for each agency is included on the complaint form. The investigation will address only those issues relevant to the allegations in the complaint. Confidentiality will be maintained to the fullest extent possible.

Upon receipt of the complaint, the City of Kingsport Title VI Coordinator will review it to ensure that relevant information is provided, the complaint is timely, and is within the correct jurisdiction. The Title VI Coordinator will maintain a log of all complaints.

Complaints filed **against the Kingsport MTPO or contractors, sub-contractors, consultants, etc. of the MTPO** will follow these procedures:

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR), through the appropriate hierarchy, for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against TDOT/VDOT, the Kingsport MTPO, or contractors/sub-contractors/consultants of the MTPO.
- Complaints will be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the Kingsport MTPO, that agency should forward the complaint to TDOT/VDOT (within three business days), which should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with TDOT/VDOT, then that agency should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR.
- TDOT/VDOT and the Kingsport MTPO must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, TDOT/VDOT, and the Kingsport MTPO (where applicable).