

## **BOSTON REGION METROPOLITAN PLANNING ORGANIZATION TITLE VI NONDISCRIMINATION COMPLAINT PROCEDURE**

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Two Executive Orders and related statutes further define populations that are protected under the umbrella of Title VI. Executive Order 12898 is concerned with environmental justice for minority and low-income populations. Executive Order 13166 is concerned with providing equal access to services and benefits for those individuals with limited English proficiency (LEP). The rights of women, the elderly, and people with disabilities are protected under related statutes. Title VI requires that recipients of federal assistance not discriminate against the protected populations whether the aid is received directly or through contractual means. Massachusetts General Law extends these protections to prevent discrimination on the basis of religion, military service, ancestry, sexual orientation or gender identity or expression.

In order to comply with 49 CFR Section 21.9(b), the Boston Region Metropolitan Planning Organization (MPO) maintains the following procedure for receiving, investigating, addressing, and tracking Title VI complaints.

### *1. Submittal of Complaints*

Any individual who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, by the Boston Region MPO in its role of planning and programming federal funds may file a written complaint. Complaints may be filed for discrimination on the basis of race, color, national origin, language, gender, age, disability, income, religion, military service, ancestry, sexual orientation, or gender identity or expression. Such complaint must be filed no later than 180 calendar days after the date the person believes the discrimination occurred.

Written complaints shall be submitted to:

Mr. Richard A. Davey, Chair  
Boston Region Metropolitan Planning Organization  
State Transportation Building  
10 Park Plaza, Suite 2150  
Boston, MA 02116-3968

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as completely as possible the facts of and circumstances surrounding the alleged discrimination and shall include the following information:

- Name, address, and phone number of the complainant.

- A written statement of the complaint, including the following details:
  - Basis of alleged discrimination (for example, race, color, national origin, or language).
  - A detailed description of the alleged discriminatory act(s).
  - What in the nature of the incident(s) led the complainant to feel discrimination was a factor.
  - The date or dates on which the alleged discriminatory event or events occurred.
  - Name(s) of alleged discriminating individual(s), if applicable.
- Other agencies (state, local, or federal) where the complaint is also being filed.
- Complainant's signature and date.

In the case where a complainant is unable or incapable of providing a written statement and has no designee to do so, a verbal complaint of discrimination may be made through the Deputy Director. Verbal complaints may be submitted (either in person, by telephone at (617) 973-7117, or via a recording) to the Deputy Director. The Deputy Director will convert the verbal allegations to writing and provide the complainant with the written document for confirmation, revision, and a signature before processing. In cases where the Complainant will be assisted in converting an oral complaint into a written complaint, the Complainant is required to sign the written complaint.

Written complaints may also be submitted to:

MassDOT Director of Civil Rights  
 10 Park Plaza, Suite 4160  
 Boston, MA 02116

Departmental Office of Civil Rights  
 U.S. Department of Transportation  
 1200 New Jersey Ave.  
 Washington D.C. 20590

## 2. *Review of Complaint*

Upon receipt of the complaint, the MPO chair shall appoint the Boston Region MPO staff Executive Director and other MPO staff to review it. This review may include the collection of additional information from the complainant and/or the alleged discriminating party(ies). Upon completion of the review, the Boston Region MPO staff Executive Director shall report to the chair of the MPO's Transportation Planning and Programming Committee. This report may include recommendations for possible action to address the complaint. Recommendations may include:

- Forwarding the complaint to a responsible implementing agency.

- Identifying remedial actions available to provide redress.
- Identifying improvements to the MPO's processes relative to Title VI and environmental justice.

The chair of the Transportation Planning and Programming Committee shall refer the matter to the Transportation Planning and Programming Committee's Administration and Finance Subcommittee, which shall meet to discuss the complaint and the staff report.

### *3. Responding to Complaints*

The Administration and Finance Subcommittee shall develop a proposed response to the complaint, recommending a course of action, and submit it to the Transportation Planning and Programming Committee for discussion and approval. The committee shall forward the approved response to the MPO chair for consideration and potential implementation. The chair shall decide on a response to the complaint and inform the committee of what that response will be.

The MPO chair shall issue a written response to the complainant. This response shall be issued no later than 60 days after the date on which the chair received the complaint. If more time is required, the chair shall notify the complainant of the estimated time frame for completing the review and response.

If a complaint concerns agencies other than the Boston Region MPO, MPO staff will seek permission from the complainant to forward his/her complaint to appropriate individuals at those agencies.

### *4. Appeals*

The complainant may appeal the chair's response to the complaint. Appeals must be in writing and be submitted to either of the following no later than 30 days after the date of the written response:

MassDOT Director of Civil Rights  
10 Park Plaza, Suite 4160  
Boston, MA 02116

Departmental Office of Civil Rights  
U.S. Department of Transportation  
1200 New Jersey Ave.  
Washington D.C. 20590

In the case where a complainant is unable or incapable of providing a written appeal and has no designee to do so, a verbal appeal to a complaint of discrimination decision may be made through the Deputy Director. Verbal appeals may be submitted (either in person, by telephone at (617) 973-7117, or

via a recording) to the Deputy Director. The Deputy Director will convert the verbal appeal to writing and provide the complainant with the written document for confirmation, revision, and a signature before processing. In cases where the Complainant will be assisted in converting an oral appeal into a written appeal, the Complainant is required to sign the written appeal.

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. These procedures are part of an administrative process that does not include punitive damages or compensatory remuneration for the complainant.

MPO staff will forward complaints and responses to those complaints to the Massachusetts Department of Transportation's Office of Civil Rights.

The MPO shall maintain a list of complaints, lawsuits, and investigations alleging discrimination on the basis of race, color, or national origin. The list shall include filing date(s), allegation summaries, the status of the investigation, lawsuit or complaint, and actions taken by the MPO. The list of complaints, investigations and resolutions will be forwarded to MassDOT's Office of Civil Rights. A summary of all civil rights compliance review activities conducted over the latest three-year period shall be maintained.