



APPENDIX B

COMPLAINT PROCEDURES



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Boston Region Metropolitan Planning Organization Title VI Nondiscrimination Complaint Procedure

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by agencies that receive any 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 individuals with limited English proficiency (LEP). Additional federal laws prohibit discrimination in other categories, including age, sex, and disability. Title VI requires that recipients of federal assistance do not discriminate against the protected populations, whether their 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 federal and state statutes, by the Boston Region MPO in its role of planning and programming federal funds may file a written complaint. Complaints filed under a federal law—on the basis of race, color, national origin, language, sex, age, disability, or income—must be filed no later than 180 calendar days after the date on which the person believes the discrimination occurred. Complaints filed under a Massachusetts General Law—on the basis of religion, military service, ancestry, sexual orientation, or gender identity or expression—must be filed no later than 300 calendar days after the date on which the person believes the discrimination occurred.

Written complaints shall be submitted to:

Title VI Specialist
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. A request for assistance in providing a written complaint may be made through the Title VI Specialist. 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.
- Basis of alleged discrimination (for example, race, color, or national origin).
- The alleged victim of discrimination.
- The date(s) on which the alleged discriminatory event(s) occurred.
- Name(s) of alleged discriminating individual(s) and/or organization(s).
- A written statement of the complaint, including detailed description of the alleged discriminatory act(s), names, dates, times, and witnesses.
- Whether the complaint is also being filed with other agencies (state, local, or federal).
- Whether a lawsuit has been filed regarding this complaint.
- Complainant's signature and the date.
- Written consent that allows an investigator to share complainant's name and other personal information with other parties. (Doing so will assist with the investigation and resolution of the complaint.)

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 Title VI Specialist. Verbal complaints may be submitted (either in person, by telephone at (857) 702-3700, or via a recording) to the Title VI Specialist. The Title VI Specialist will transcribe the verbal allegations 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 Title VI Coordinator
10 Park Plaza, Suite 3800

Boston, MA 02116

Departmental Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue
Washington, DC 20590

2. Review of Complaint

Upon receipt of the complaint, the Title VI Specialist shall review it, in consultation with the MPO Director of Policy and Planning. This review may include: 1) accepting a prima facie complaint; 2) seeking additional information from the complainant if it is unclear that the complainant alleges a prima facie case; 3) procedurally dismissing the complaint for untimeliness, inadequate details, or lack of response from the complainant; or 4) referring the complaint to the Chair of the MPO, or the responsible implementing agency. Upon completion of the review, the Title VI Specialist shall report to the MPO chair with recommendations for possible action to address the complaint:

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

3. Responding to Complaints

The Title VI Specialist shall issue a written response to the complainant no later than 60 days after the date on which the Title VI Specialist received the complaint. If more time is required, the Title VI Specialist 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, the Title VI Specialist will seek permission from the complainant to forward his/her complaint to appropriate individuals at those agencies.

4. Appeals

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

MassDOT Title VI Coordinator
10 Park Plaza, Suite 3800

Boston, MA 02116

Departmental Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue
Washington, DC 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 Title VI Specialist. Verbal appeals may be submitted (either in person, by telephone at 857-702-3700, or via a recording) to the Title VI Specialist. The Title VI Specialist will transcribe the verbal appeal 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 (MassDOT) Office of Diversity and 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, 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 Diversity and Civil Rights. The MPO shall maintain a summary of all civil rights compliance review activities conducted during the latest three-year period.