

ATTACHMENT C – TITLE VI DISCRIMINATION COMPLAINT PROCEDURE

These procedures cover any program or activity administered by the HDOT.

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination on the basis of race, color, national origin, age, disability or sex, protected categories under Title VI of the Civil Rights Act of 1964, and other related statutes, may file a Title VI complaint with the HDOT's Office of Civil Rights. A complaint may also be filed by a representative on behalf of such a person. They should be directed to:

Office of Civil Rights
Hawaii State Department of Transportation
200 Rodgers Boulevard
Honolulu, Hawaii 96819

Complaints may also be directed to, in lieu of HDOT Office of Civil Rights:

Federal Highway Administration
Hawaii Division
ATTN: Kelly Okumura
Box 50206, 300 Ala Moana Blvd
Room 3-306
Honolulu, Hawaii 96850

The law prohibits intimidation or retaliation of a person who files a complaint.

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than one hundred eighty (180) days after:

1. The date of the alleged act of discrimination; or
2. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

These procedures do not deny or limit the right of a complainant to file a formal complaint with the U.S. Department of Transportation (U.S. DOT). Every effort will be made to resolve complaints at the lowest possible level as quickly as possible.

Procedure

Complaints submitted to the OCR or to FHWA Hawaii Division must be in writing, signed, and dated by the complainant or their authorized representative. The complaint must contain the complainant's name and address (or specify another means of contacting them) and must describe the allegations in sufficient detail to allow for a determination whether the appropriate agency has jurisdiction over the complaint, the complaint was filed in a timely manner, and that

the complaint has apparent merit. ALL complaints filed, regardless to OCR or FHWA Hawaii Division, will be routed to FHWA Office of Civil Rights in Washington D.C. for review and determination of jurisdiction.

1. If the complaint provides incomplete information, the complainant will be requested to complete the HDOT's discrimination complaint form or equivalent as promulgated by FHWA. Failure to complete the form may result in OCR or FHWA dropping the complaint for failure to prosecute.
2. Upon receipt of the signed complaint form, the Civil Rights Coordinator or their designee will log-in the complaint, route the complaint and any accompanying documentation to the FHWA Office of Civil Rights, and allow FHWA Office of Civil Rights to determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.
3. Title VI complaints, after review of FHWA Office of Civil Rights and assignment of jurisdiction to either OCR, FHWA Office of Civil Rights, or other appropriate authority, will be assigned to a member of the OCR staff or other designated HDOT staff who is trained in conducting such investigations.
4. The first step in conducting the investigation will be the preparation of an investigation plan, identifying following elements:
 - a. Basis of complaint;
 - b. Issues to be addressed;
 - c. Information needed to answer the questions posed (what actually happened, who was involved, past practices, etc.);
 - d. Sources from which the information will be obtained (witnesses, written documents, etc.);
 - e. How the information will be obtained (telephone interviews, travel to other offices, review of records, etc.); and
 - f. Projected timeline for completion.
5. Within ten (10) working days of receiving the complaint and determination of jurisdiction by the FHWA Office of Civil Rights in Washington, D.C., the complainant will be notified in writing by the OCR regarding who will be conducting the investigation and the anticipated timeline for completion.
6. One of the first steps in the investigation will be to meet with the complainant to clarify the issues and obtain additional information.

7. The Branch or District Manager where the complaint occurred will be notified of the complaint.
8. The respondent (party named in the complaint) will be notified of the complaint and the status of the investigation.
9. There is no informal complaint process under Title VI. All complaints are treated as formal complaints whether they are investigated by HDOT or forwarded to U.S. DOT for processing.
10. Proceed with the steps outlined in the investigation plan (interview witnesses, obtain written documentation, etc.).
11. After completing the investigation, information will be evaluated, and a written report prepared. The report shall contain the following elements:
 - a. Description of the allegation.
 - b. Summary of the investigation.
 - c. Relevant facts (findings).
 - d. Supporting documents attached, when appropriate.
12. The written investigation report will be submitted to the Civil Rights Coordinator within ninety (90) days of the time the complaint was received. If circumstances require additional time, a status report will be submitted and a request for extension of time will be forwarded to the Office of the Secretary of Transportation (OST) for approval.
13. A copy of the report shall be sent to the Attorney General's Office for their information and file.
14. The investigator will meet with the Civil Rights Coordinator and/or their designee to discuss the findings and what further action may be appropriate.
15. The Civil Rights Coordinator and/or investigator will meet with the Director. The HDOT's Director shall make the final decision.
16. The complainant and appropriate managers will be notified in writing of the results of the investigation.
17. If the HDOT's decision is averse to the complainant, the complainant shall be notified that they have appeal rights under Title VI to the U.S. DOT.
18. Copies of all Title VI complaints and investigative reports will be sent to the affected agency of the U.S. DOT within sixty (60) days of receipt of the complaint.

COMPLAINT FORM

Complainant(s) Name:	Complainant(s) Address:	
Complainant(s) Phone Number:		
Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc):		
Name and Address of Agency, Institution, or Department Whom You Allege Discriminated Against You:		
Names of the Individual(s) Whom You Allege Discriminated Against You (If Known):		
Discrimination based upon:	<input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color <input type="checkbox"/> Other	Date of Alleged Discrimination:
Please list the name(s) and phone number(s) of any person, if known, that the Department of Transportation could contact for additional information to support or clarify your allegation(s).		
Please explain as clearly as possible how, why, when and where you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Additional pages may be attached if needed.		
Complainant(s) or Complainant(s) Representatives Signature:		Date of Signature: