

## **TITLE VI COMPLAINT PROCEDURES**

This section outlines the Title VI complaint procedures related to providing programs, services and benefits. However, it does not deny the complainant the right to file formal complaints with the City of Fort Smith, Equal Employment Opportunity Commission or the Federal Transit Administration, or seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance.

### **GENERAL**

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin as noted below may file a written complaint with the City of Fort Smith, Transit Department, 6821 Jenny Lind, P.O. Box 1908, Fort Smith, AR 72902-1908. Complainants have the right to complain directly to the appropriate federal agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the Transit Director and the Human Resources Director may be utilized for resolutions.

### **PROCEDURE**

1. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s). In cases where complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Transit Director will interview the complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
  - b. Include the date of the alleged act of discrimination, date when the complainants became aware of the alleged act of discrimination, or the date on which that conduct was discontinued or the latest instance of conduct.
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
  - d. Federal law requires complaints be filed within 180 calendar days of the alleged incident.
2. Upon receipt of the complaint, the Transit Director will determine its jurisdiction, acceptability, need for additional information, as well as assign the complaint to the Human Resource Department to investigate the merit of the complaint.

3. The complainant will be provided with a written acknowledgement that Fort Smith Transit has either accepted or rejected the complaint.
4. A complaint must meet the following criteria for acceptance:
  - a. The complaint must be filed within 180 days of the alleged occurrence.
  - b. The allegation must involve a covered basis such as race, color or national origin.
  - c. The allegation must involve a FST service of a federal-aid recipient, sub-recipient or contractor.
5. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
6. Once FST and Human Resources decides to accept the complaint for investigation, the complainant will be notified in writing of such determination.
7. In cases where FST and Human Resources Department assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, FST staff will prepare an investigative report for review by the Transit Director and Human Resources. 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 reviewed by the Transit Director and Human Resources Director. In some cases the investigative report and findings will be reviewed by the City Attorney. The report will be modified as needed.
9. The Transit Director, Human Resources Director will make a determination on the disposition of the complaint. Dispositions will be stated as follows:
  - a. In the event FST is in noncompliance with the Title VI regulations, remedial actions will be listed.
10. Notice of the Transit Director's determination will be mailed to the complainant. Notice shall include information regarding appeal rights of complainant and instructions for initiating such an appeal. Notice of appeals are as follows:

- a. FST will reconsider this determination if new facts come to light.
- b. If complainant is dissatisfied with the determination and/or resolution set forth by FST, the same complaint may be submitted to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Office of Civil Rights, 819 Taylor St. Rm. 8A36, Fort Worth, TX 76102, or by phone (817) 978-0558.

11. A copy of the complaint and FTS;s investigation report/letter of finding and Final Remedial Action Plan, if appropriate, will be issued to FTA within 120 days of the receipt of the complaint.

12. A summary of the complaint and its resolution will be included as part of the Title VI updates to the FTA.

### **RECORDKEEPING REQUIREMENT**

The Transit Director will ensure that all records relating to FST's Title VI Complaint Process are maintained with department records.

Records will be available for compliance review audits.

# **Title VI Complaint Form**

## **Fort Smith Transit (FST)**

Fort Smith Transit is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact Fort Smith Transit by calling (479) 783-6464. The completed form must be returned to Fort Smith Transit Director, P.O. Box 1908, Fort Smith, AR 72902-1908.

Your Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Person(s) discriminated against (if someone other than complainant) – Name(s):

\_\_\_\_\_

\_\_\_\_\_

Street Address, City, State & Zip Code of all persons (Attached additional sheets if necessary):

\_\_\_\_\_

\_\_\_\_\_

Date of the Incident: \_\_\_\_\_

Which of the following best describes the reason for the alleged discrimination took place?  
(Circle one)



Phone Number: \_\_\_\_\_

Street Address, City, State & Zip Code:

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I affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Complainant

Date Received: _____
Received By: _____