

# **DISCRIMINATION COMPLAINT FORM AND PROCEDURES**

## **DULLES AREA TRANSPORTATION ASSOCIATION**

Any individual may exercise his or her right to file a complaint with James N. Larsen, DATA Executive Director and CEO, if that person believes that s/he or any other program beneficiaries have been subjected by DATA to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. DATA will report the complaint to COG/TPB within three business days (per COG/TPB requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures, as described below. All discrimination complaints and their resolution will be reported annually (in addition to immediately) to COG/TPB.

Should any Title VI investigations be initiated by FTA or COG/TPB, or any Title VI lawsuits be filed against DATA the agency will follow these Nondiscrimination Complaint Procedures:

### **Overview**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 (including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components), Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by DATA or its sub-recipients, consultants, and/or contractors. They do not apply to complaints related to employment conditions, actions, or decisions reflecting DATA's status as employer. Such complaints should be initiated under policies administered by DATA.

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

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and DATA will be available to all complainants.

### **Procedures**

1. Any individual or group of individuals who believes he/she or they have been subjected to discrimination may file a written complaint with DATA's Executive Director using the form available at [www.datatrans.org](http://www.datatrans.org). A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).

- b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax (866) 652-0847 or e-mail [jlarsen@datatrans.org](mailto:jlarsen@datatrans.org) will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for DATA to be able to process it.
  - e. Complaints received by telephone (703) 817-1307 will be entered into a log listing time, date, and complainant. Complainants will be informed to file a complaint in writing and will be directed to the website for forms and procedures.
2. In order to be accepted, a complaint must meet the following criteria:
  - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered basis such as race, color, natural origin, gender/sexual orientation, age or disability.
  - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
  - d. The complainant(s) must accept reasonable resolution based on DATA's administrative authority (reasonableness to be determined by DATA.)
3. 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.
4. Once DATA or a state or federal agency decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in the records of DATA to identify its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
5. In cases where DATA assumes the investigation of the complaint, DATA will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of DATA's written notification of acceptance of the complaint to furnish his/her response to the allegations.
6. In cases where DATA assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, DATA will prepare an investigative report for review by its

Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

7. DATA will notify the parties of its findings within 60 days of receipt of a completed complaint form.