

Appendix 3: Title VI Complaint Procedures

[This Page Intentionally Left Blank]

Appendix 3: Title VI Complaint Procedures

East-West Gateway Council of Governments (EWGCOG) has implemented the Title VI Complaint Procedures described in this document. These procedures outline the process by which a person can file a written complaint if the person believes that he / she has been excluded from or denied the benefits of or subjected to discrimination by EWGCOG in relation to any program or activity administered by EWGCOG or its subrecipients, consultants, or contractors. EWGCOG's complaint procedure applies to matters related to Title VI of the Civil Rights Act of 1964 (Title VI), the Americans with Disability Act (ADA), or the regulations / rules that govern providing meaningful access to limited English proficient (LEP) persons.

These procedures do not deny the rights 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 remedies that include punitive damages or compensatory remuneration for the complainant. EWGCOG will make every effort to obtain early resolution of complaints. At any stage of the process, the option of informal mediation meeting(s) between the affected parties and EWGCOG's Title VI Coordinator may be used for resolution. The Title VI Coordinator will make every effort to pursue a timely resolution of the complaint. During the initial interviews with the complainant and the respondent, if applicable, the Title VI Coordinator will request information regarding the specific relief requested and settlement opportunities.

In addition to EWGCOG's complaint procedures, complainants have the right to complain directly to the appropriate federal agency. Complainants have 180 calendar days after the date the alleged discrimination occurred to file a complaint with the appropriate federal agency. This process is described in more detail in Part 7.

Spanish-Language Documents

The Title VI Complaint Procedures and the Title VI Nondiscrimination Complaint Form (Complaint Form) are available in Spanish on EWGCOG's website at: www.ewgateway.org/titlevi. EWGCOG provides language assistance services free of charge when requested and to the extent that the agency determines is reasonable. If English is not your primary language or if you have a limited ability to read, write, speak, or understand English and you need assistance completing a Title VI Complaint Form or you want to request other language assistance services, please submit your request to:

Title VI Coordinator
East-West Gateway Council of Governments
1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102

Phone: (314) 421-4220 / (618) 274-2750

Fax: (314) 231-6120

Email: titlevi@ewgateway.org

Appendix 3: Title VI Complaint Procedures

Alternative Languages & Formats

EWGCOG provides language assistance services and documents in alternative formats free of charge for eligible persons when requested and to the extent that the agency determines is reasonable, which may include, EWGCOG providing:

- The Title VI Complaint Procedures or the Complaint Form in another language or alternative format,
- Assistance completing a Complaint Form, or
- Other language assistance services

The following persons or their representative may submit a request for language assistance services or documents in alternative formats:

- Persons whose primary language is not English or who have a limited ability to read, write, speak, or understand English
- Persons with a disability who are unable to use materials in its current format

To request language assistance services or alternative formats, please contact:

Title VI Coordinator
East-West Gateway Council of Governments
1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102

Phone: (314) 421-4220 / (618) 274-2750

Fax: (314) 231-6120

Email: titlevi@ewgateway.org

Persons who are deaf or hard of hearing may contact EWGCOG through Relay Missouri (TTY).

1. Submission of Complaint

Any individual or group may file a written complaint with EWGCOG's Title VI Coordinator. The mailing address and contact information is as follows:

Title VI Coordinator
East-West Gateway Council of Governments
1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102

Phone: (314) 421-4220 / (618) 274-2750

Fax: (314) 231-6120

Email: titlevi@ewgateway.org

Appendix 3: Title VI Complaint Procedures

The complaint must be filed within 180 calendar days after the date the alleged discrimination occurred. A Complaint Form, in fillable / savable *.pdf format, may be downloaded on EWGCOG's website at: www.ewgateway.org/titlevi and is available in printed format from the Title VI Coordinator. A sample of the Complaint Form is provided in this Appendix beginning on page 7.

A Complaint Form must be as complete as possible and must, at a minimum:

- Be in writing and signed by the complainant(s).
- Include the date of the alleged act of discrimination.
- Present a detailed description of the issues.

If a complainant chooses not to use EWGCOG's Complaint Form to submit his / her complaint, then the complaint must be in writing and signed by the complainant(s) and must include, at a minimum:

- The complainant's name, address, and telephone number.
- The name and address of the agency, institution, or department the complainant(s) believes discriminated against him / her.
- The how, why, and when that a complainant believes he / she was discriminated against. This description should include as much specific, detailed information as possible about the alleged acts of discrimination and any other relevant information.
- The names of any persons, if known, who EWGCOG can contact for clarity regarding the allegations.

Complaints or allegations received by fax, email, or telephone will be initially processed as follows:

- Complaints or allegations received by fax or email will be acknowledged and will be processed once EWGCOG establishes the identity(ies) of the complainants and the intent to proceed with the complaint.
- Complaints or allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A Complaint Form will be forwarded to the complainant for him / her to complete, sign, and return to EWGCOG for processing.

2. Receipt / Acceptance of Complaint

Within 15 business days after receiving a complaint, the Title VI Coordinator will:

- Forward a copy of the complaint to one or any combination of the following entities, as appropriate or required: Missouri Department of Transportation (MoDOT), the Illinois Department of Transportation (IDOT), or to the designated federal agency (i.e. the Federal Transit Administration, the Federal Highway Administration, etc.), and
- Send a written acknowledgment to the complainant advising that the complaint will be investigated.

Appendix 3: Title VI Complaint Procedures

In order for a complaint to be accepted, it must involve:

- A covered basis such as race, color, national origin, gender, disability, or retaliation, and
- A program or activity of EWGCOG or one of EWGCOG's subrecipients, consultants, or contractors.

A complaint may be dismissed for any one or combination of the following reasons:

- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeated requests for additional information that is needed to process the complaint.
- The complainant cannot be located after reasonable attempts.

Once the complaint is accepted, the Title VI Coordinator will log it in a database identifying the following:

- Complainant's name
- The basis for the complaint
- The alleged harm
- The race, color, and national origin of the complainant, if applicable

3. Referral to Review Officer

The Title VI Coordinator, in consultation with EWGCOG's Human Resources Manager, will appoint one or more staff review officers to investigate the complaint. The staff review officer(s) will complete the investigation within 45 calendar days after EWGCOG received the complaint and will make a recommendation about the merits of the complaint and, if necessary, what steps will be taken to address the complaint.

4. Complaint Decision

The staff review officer(s) will forward the recommendation to EWGCOG's Executive Director for review and concurrence. If the Executive Director concurs he or she will issue the agency's response to the complainant(s) and any respondent(s)¹, if applicable.

5. Requests for Reconsideration

If the complainant disagrees with EWGCOG's response, he or she may request reconsideration. In order to request a reconsideration, the complainant must submit a written request to EWGCOG within 15 calendar days after he or she received EWGCOG's response. Any affected party may submit information or documentation in writing to the Title VI Coordinator in support of his or her request for reconsideration. The complainant must submit its reconsideration request / information or

¹ A respondent may be any EWGCOG subrecipient, consultant, or contractor named in the complaint.

Appendix 3: Title VI Complaint Procedures

documentation in writing to the address listed in Part 1 above. Upon completion of the review of the reconsideration request and any additional information or document, the Title VI Coordinator and the Executive Director will have 10 business days to either reaffirm or reverse the original complaint decision and provide a written notice to the complaint and respondent, if applicable.

6. Settlement

If the final complaint decision or the reconsideration decision supports the allegation(s), the Title VI Coordinator will attempt to negotiate an amicable settlement of the issues in dispute. Formal, written settlement agreements must be reviewed by EWGCOG's legal counsel prior to execution and must be signed by the parties, the Title VI Coordinator, and the Executive Director.

7. Submission of Complaint to Other Entities

If a complainant is dissatisfied with EWGCOG's resolution of the complaint, he or she may also submit a written complaint the appropriate state or federal agency in accordance with the requirements of the state or federal agency. A list of agencies is provided below.

NOTE: Complaints must be filed with federal agencies no later than 180 calendar days after the alleged discrimination occurred. Prompt action after receiving EWGCOG's final response is necessary to ensure review by state or federal agencies.

Missouri Department of Transportation
Office of External Civil Rights
1617 Missouri Blvd.
P.O. Box 270
Jefferson City, MO 65102
Phone: (573) 526-2978
Fax: (573) 526-0558
www.modot.org/ecr/

Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave., SE
8th Floor E81-105
Washington, DC 20590
Phone: (202) 366-0693
TTY: (202) 366-5132
Fax: (202) 366-1599
Email: CivilRights.FHWA@dot.gov
www.fhwa.dot.gov/civilrights/contact.cfm

Illinois Department of Transportation
Bureau of Civil Rights
2300 Dirksen Parkway, Room 317
Springfield, IL 62764
Phone: (217) 782-2762
TTY: (866) 273-3681
Fax: (217) 524-4063
www.idot.illinois.gov/about-idot/civil-rights/index

Environmental Protection Agency
Office of Civil Rights
Mail Code 1201A
1200 Pennsylvania Ave., NW
Washington, DC 20460
Phone: (202) 564-7272
Fax: (202) 501-1836
www.epa.gov/civilrights/

Appendix 3: Title VI Complaint Procedures

Federal Transit Administration
Office of Civil Rights
Attn: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590
Phone: (888) 446-4511
www.fta.dot.gov/civilrights/12328_5104.html

Civil Rights Program Specialist
Federal Transit Administration
Region VII and Region VIII
1961 Stout Street, Suite 13301
Denver, CO 80294-3007
Email: kevin.osborn@dot.gov
Phone: (303) 362-2393

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Building 410, Mail Stop # 0190
Washington, DC 20528
Phone: (202) 401-1474
(866) 644-8360
TTY: (202) 401-0470
(866) 644-8361
Fax: (202) 401-4708
Email: crcl@dhs.gov
www.dhs.gov/office-civil-rights-and-civil-liberties

For the appropriate agency for ADA complaints go to: www.ada.gov/cguide.pdf or call the ADA information line at: (800) 514-0301 (voice) or (800) 514-0383 (TTY).

8. Confidentiality

To the extent feasible and permitted by law, EWGCOG shall keep confidential the information regarding any complaint that EWGCOG receives or collects during the formal and informal investigation process.

9. Investigation Records

EWGCOG will maintain complaint and investigation records in accordance with applicable federal guidelines or, in the absence of federal guidelines, applicable state guidelines.

Appendix 3: Title VI Complaint Procedures

Title VI Nondiscrimination Complaint Form

This form may be used to file a complaint with East-West Gateway Council of Governments (EWGCOG) pursuant to nondiscrimination laws, rules, and regulations including, but not limited to: Title VI of the Civil Rights Act of 1964 and Executive Order 13166 - *Improving Access to Services for Persons with Limited English Proficiency*.

This form is also available in Spanish and can be found on EWGCOG's website at: www.ewgateway.org/titlevi.

If you need assistance completing this form, please contact us by phone at (314) 421-4220 or (618) 274-2750 or by fax at (314) 231-6120 and ask for Royce Bauer (Title VI Coordinator).

Feel free to add additional pages if necessary. You are not required to use this form; a signed letter that provides the same information is sufficient to file your complaint.

Complaints of discrimination must be filed within 180 calendar days of the date that the alleged discrimination occurred.

This form MUST be completed by the complainant or the complainant's designated representative.

Complainant's Personal Information

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone (Home / Work): _____ Phone (Cell): _____

Name of person completing this form, if different from above: _____

Your relationship to the complainant indicated above: _____

Alleged Discrimination - Details of Complaint

I. Identify the agency, department, or program that allegedly discriminated

Agency or Department Name: _____

Name of any individual (if known): _____

City: _____ State: _____ Zip Code: _____

Phone (Work): _____ Fax: _____

Date(s) of alleged act: _____

Date alleged discrimination began: _____ Last or most recent date of alleged discrimination: _____

Appendix 3: Title VI Complaint Procedures

Title VI Nondiscrimination Complaint Form

II. What is the basis for this complaint?

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated in Part I above, please indicate below the basis on which you believe these discriminatory actions were taken.

Example: If you believe that you were discriminated against because you are African American, you would mark the box labeled "Race/Color" and write / type "African American" in the space provided.

Check all that apply:

- Race/Color _____
- National Origin _____
- Other (*please specify*) _____

III. Explain what happened

Please explain as clearly as possible what happened. Provide the name(s) of witnesses, fellow employees, supervisors, others involved in the alleged discrimination. Please include all information that you feel is relevant to the investigation. (Attach additional sheets if necessary and provide a copy of any written materials pertaining to your complaint).

Appendix 3: Title VI Complaint Procedures

Title VI Nondiscrimination Complaint Form

IV. How can this/these issue(s) be resolved to your satisfaction?

V. What is the most convenient time and place for us to contact you about this complaint?

VI. If we will not be able to reach you directly, please give us the name and phone number of a person who can reach you or provide information about your complaint.

Name: _____

Phone: _____

VII. If you have an attorney representing you concerning the matter raised in this complaint, please provide the following information:

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Signature & Date

Signature

Date

Note: The laws enforced by this agency prohibit retaliation or intimidation against anyone because the individual has either taken action or participated in an action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

Title VI Coordinator
East-West Gateway Council of Governments
1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102

Phone: (314) 421-4220
(618) 274-2750
Fax: (314) 231-6120

Appendix 3: Title VI Complaint Procedures

Title VI Nondiscrimination Complaint Form

You can use this page if you need additional space to provide the information requested on this form.

[This Page Intentionally Left Blank]



**EAST-WEST GATEWAY
Council of Governments**

Creating Solutions Across Jurisdictional Boundaries

**1 S. Memorial Drive, Suite 1600
St. Louis, MO 63102**

(314) 421-4220 | (618) 274-2750

www.ewgateway.org