

GREATER HICKORY METROPOLITAN PLANNING ORGANIZATION

EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

The external complaint procedures outlined herein apply to Greater Hickory Metropolitan Planning Organization (GHMPO). These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, and other nondiscrimination authorities relating to any programs, services, or activities administered by GHMPO or its agents. **NOTE: Title VI complaints may be filed only on the basis of race, color, and national origin.** Complaints based on disability are covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), while age is covered by the Age Discrimination Act of 1975.

GHMPO will make every effort to obtain early resolution of complaints at the lowest level possible. Complaints of alleged discrimination will be investigated by the appropriate authority. The option of informal mediation meeting(s) between the affected parties and GHMPO staff may be utilized for resolution. Upon completion of each investigation, GHMPO staff will inform every complainant of all avenues of appeal.

PURPOSE

The purpose of the discrimination complaint procedures is to describe the process used by GHMPO for processing and investigating alleged complaints of discrimination.

FILING OF COMPLAINTS

1. **Applicability** – The complaint procedures apply to the beneficiaries of the GHMPO programs, activities, and services, including the public and any consultants/contractors hired by GHMPO.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with GHMPO. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **Greater Hickory MPO**, 1880 Second Ave NW, Hickory, NC 28603; 828-485-4248
- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
- Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752
- Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
- Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
- Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may

be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages including Braille.

5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category. **Title VI only covers race, color, or national origin. Related nondiscrimination authorities cover sex, age and disability.**

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Women and Men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

Complaint Processing

1. When a complaint is received by GHMPO, a written acknowledgment and a Consent Release form will be mailed to the complainant within ten (10) business days by registered mail.
2. GHMPO will consult with the NCDOT Office of Civil Rights’ External Services Section to determine the acceptability and jurisdiction of the complaint. **Note: If NCDOT has jurisdiction, the External Services Section would be responsible for the remainder of the process.**
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, GHMPO will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of the GHMPO’s jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator. Complaints investigated by GHMPO would be investigated by the GHMPO Title VI Coordinator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.