



Old Colony Metropolitan Planning Organization (MPO)

70 School Street Brockton, MA 02301-4097

Telephone: 508-583-1833 | Fax 508-559-8768 | www.ocpcrpa.org

TITLE VI COMPLAINT PROCEDURE

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Two Executive Orders and related statutes further define populations that are protected under the umbrella of Title VI. Executive Order 12898 concerns environmental justice for minority and low-income populations. Executive Order 13166 concerns providing equal access to services and benefits for individuals with limited English proficiency (LEP). The rights of women, the elderly, and people with disabilities are protected under similar statutes. Massachusetts General Law extends these protections to prevent discrimination on the basis of religion, military service, ancestry, sexual orientation, and gender identity or expression.

To comply with 49 CFR Section 21.9(b), the Old Colony MPO maintains the following procedure for receiving, investigating, addressing, and tracking Title VI complaints.

1.0 Submittal of Complaints

Any person who believes that the Old Colony MPO in its role of planning has subjected him or her or any specific class of persons to discrimination that is prohibited by Title VI of the Civil Rights Act of 1964, its amendments and related statutes, and programming federal funds may submit a written complaint. Complaints may be submitted for discrimination on the basis of race, color, national origin (including limited English proficiency), ethnicity, religion, creed, age, gender, gender identity or expression sex, sexual orientation, disability, ancestry, veteran's status, or background. Any such complaint shall be submitted no later than 180 days after the date the person believes the discrimination occurred. For information or to file a complaint under Title VI or the state Public Accommodations law, the contacts are as follows:

Old Colony Planning Council
Title VI/ Nondiscrimination Coordinator
70 School Street
Brockton, MA 02301
(508) 583-1833 Extension 202
pciaramella@ocpcrpa.org

MCAD
One Ashburton Place, 6th Floor
Boston, MA 02109
(617) 994-6000
TTY: (617) 994-6196

Title VI Specialist
MassDOT, Office of Diversity and Civil Rights
10 Park Plaza
Boston, MA 02116
857-368-8580
TTY: 857-368-0603
MASSDOT.CivilRights@state.ma.us



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Complaints shall be in writing and shall set forth as completely as possible the relevant facts and circumstances surrounding the alleged discrimination. The following information shall be included:

- Name, address, and phone number of the complainant.
- A statement of the complainant, including:
 - The basis of the alleged discrimination (race, color, national origin, or language).
 - A detailed description of the alleged discriminatory act(s).
 - What in the nature of the alleged act(s) led the complainant to feel that discrimination was involved.
 - The date(s) on which the alleged discriminatory act(s) occurred.
 - The name(s) of individual(s) alleged to have participated in the act(s).
 - The name(s) of all other agencies or organizations where the complaint is also being filed (if applicable).
- The signature of the complainant and date submitted.

If a complainant is unable or incapable of providing a written statement and has no designee to do so, a verbal complaint of discrimination may be made to the OCPC Title VI Coordinator. Verbal complaints may be submitted (either in person, by telephone at (508) 583-1833, or via a recording) to the Title VI Coordinator. The Title VI Coordinator will convert the verbal allegations to writing and provide the written document for confirmation, revision, and a signature before processing. Where the Complainant will be assisted in converting an oral complaint into a written complaint, the Complainant is required to sign the written complaint.

2.0 Review of Complaint

Within fifteen (15) days, the Old Colony MPO shall confirm receipt of the complaint and inform the Complainant of the investigation process.

Upon receipt of the complaint, the Old Colony MPO shall notify and coordinate with the Title VI Specialist at MassDOT, Office of Diversity, and Civil Rights. In addition, the OCPC Title VI Coordinator, and other Old Colony MPO staff shall review it. Within sixty (60) days, should the complaint have merit, the Old Colony Planning Council shall commence an investigation of the allegation(s). The investigation may include the gathering of additional information from the complainant and/or the alleged discriminating party (ies). The purpose of an investigation is to determine whether there is a reason to believe that a failure to comply with Title VI of the Civil Rights Act of 1964 has occurred. Upon completion of the investigation, the Title VI Coordinator shall report to the Old Colony MPO Chair. The report may include recommendations for possible action to address the complaint. Subsequently, the Old Colony MPO will render a recommendation for action in a report of findings or resolution.

Recommendations may include:

- Forwarding the complaint to a responsible implementing agency.



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- Identifying remedial actions that are available to offer redress.
- Identifying possible improvements to the Old Colony MPO's processes related to Title VI and environmental justice.

The Old Colony MPO Chair shall refer the matter to the Old Colony MPO, which shall meet and discuss the complaint and the staff report. This report may include recommendations for possible action to address the complaint.

3.0 Appeals

The complainant may appeal the Chair's response to the complaint. Appeals must be in writing to either of the following no later than 30 days after the date of the written response:

MassDOT

Director of Civil Rights

10 Park Plaza, Suite 4160

Boston, MA 02116

Department Office of Civil Rights

U.S. Department of Transportation

1200 New Jersey Avenue

Washington D.C. 20590

In the case where a complainant is unable or incapable of providing a written appeal and has no designee to do so, a verbal appeal to a complaint of discrimination decision may be made through the Title VI Coordinator. Verbal appeals may be submitted (either in person, by telephone at (508) 583-1833, or via a recording) to the Title VI Coordinator. The Title VI Coordinator will convert the verbal appeal to writing and provide the complainant with the written document for confirmation, revision, and a signature before processing. In cases where the Complainant will be assisted in converting an oral appeal into a written appeal, the Complainant is required to sign the written appeal.

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

Old Colony Planning Council staff will forward complaints and responses to the complaints to the Massachusetts Department of Transportation's Office of Civil Rights.



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4.0 Resolution

If a probable cause of a discriminatory practice based on race, color, or national origin is found to exist, the Old Colony MPO shall endeavor to eliminate said practice by means of a Remedial Action Plan. The Remedial Plan shall include a list of all corrective actions accepted by the agency; a description of how the corrective action will be implemented; and a written assurance that the agency will implement the accepted corrective action in the manner discussed in the plan.

Where attempts to resolve the complaint fail, the complainant shall be notified in writing of his or her right to submit the complaint to the Federal Transit Administration as cited in FTA C4702.1A.

5.0 Complaint Tracking

The Old Colony MPO will maintain a log of Title VI complaints, lawsuits, and investigations alleging discrimination on the basis of race, color, or national origin. The log shall include filing date(s), allegation summaries, status of the investigation, lawsuit, or complaint, and actions taken by the Old Colony MPO.

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Old Colony Planning Council