

## ATTACHMENT D – TITLE VI COMPLAINT PROCEDURES

The complaint procedures are available on Pershing County's website and cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, or national origin status may file a formal complaint with Pershing County's Civil Rights Office. A copy of the Complaint Form is available on Pershing County's website and may be accessed electronically at: [www.pershingcountynv.gov](http://www.pershingcountynv.gov)

### Title VI Complaint Reporting

The complaint must be filed within 180 days of the alleged discrimination and include the date the alleged discrimination became known to the complainant or the last date of the incident.

The complaint must be written and signed by the complainant and shall include:

The Complainant(s) name, address, and phone number;

- A detailed description of the alleged incident that led the complainant to believe discrimination occurred;
- The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date or the date the conduct was discontinued;
- The names and job titles of those parties involved in the complaint;
- The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (i.e., race, color, national origin, sex, age, disability, income status or retaliation);
- Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations; and
- The corrective action being sought by the complainant. Complaints may be filed by one of the following methods:
  - By completing and signing the Complaint Form and delivering it in person or by mail;
  - By emailing or faxing the Complaint Form and sending the signed original to the Civil Rights Officer (CRO); and
  - For the disabled, by calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature, and return.

Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.

- NDOT has sole authority for and will adjudicate all complaints filed against NDOT sub-recipients;
- Complaints against Pershing County in USDOT funded programs will be referred to NDOT and/or USDOT for processing; and
- Complaints under all other federally funded programs fall under NDOT's authority and jurisdiction.

For acceptance, a complaint must be:

- Timely filed;
- Involve a covered basis (i.e., race, color, or national origin); and

Complaints may be dismissed if the complainant:

- Requests the withdrawal of the complaint;
- Fails to respond to repeated requests for additional information;
- Fails to cooperate in the investigation; or
- Cannot be located after reasonable attempts to reach the complainant have been made.

Complaints that fall under the jurisdiction of USDOT – NDOT Civil Rights Officer, will forward a copy of the complaint and preliminary finding to USDOT-HCR within 60 days. Once USDOT-HCR issues its final decision, it will notify NDOT and, NDOT will notify all parties involved.

All allegations of discrimination will be taken seriously, and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with NDOT's determination, the complainant may file a complaint directly with the appropriate USDOT modality:

- US Department of Transportation, Federal Highway Administration, Nevada Division 705 Plaza Street #220, Ste. 220, Carson City, NV 89701;
- US Department of Transportation, Federal Highway Administration, Office of Civil Rights 1200 New Jersey Ave. SE, Washington, DC 20590;
- US Department of Transportation, Federal Transit Administration FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590