



TITLE VI NONDISCRIMINATION COMPLAINT PROCEDURES FOR FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

The **Nevada Department of Transportation (NDOT)**, the “Recipient” under Title VI, is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. The Recipient assures that no person or groups(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Recipient, regardless of whether those programs and activities are federally funded or not.

The following procedures cover complaints under the following acts: Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from the Nevada Department of Transportation, and believes the discrimination is based on race, color, national origin, gender, age, disability/handicap or income status. Allegations, regardless of where they are reported, shall be immediately forwarded to the Civil Rights Officer. We accept complaints received no more than 180 days after the alleged incident. Please send your complaint to:

Civil Rights Officer
Nevada Department of Transportation
123 East Washington Avenue
Las Vegas NV 89101
(702) 730-3301
(702) 486-0487 fax
yschuman@dot.state.nv.us

Title VI/EEO Complaint Procedures

1. If the complainant elects to file a formal complaint with NDOT, it must be submitted in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). Individuals may also file complaints directly with the U.S. Department of

Transportation (USDOT), the Federal Highway Administration (FHWA), or the Federal Transit Administration (FTA), as appropriate, within the 180-day time frame.

2. The complainant is strongly encouraged to bring incidents of discrimination to the attention of the department as soon as possible after such conduct occurs.
3. Allegations of discrimination are serious and are to be investigated in a timely manner. Confidentiality is maintained to the greatest extent possible.

Title VI/EEO Complaint Investigation Procedures

Within ten (10) days of receipt of the complaint, NDOT will review it to determine if our office has jurisdiction. That is, are we the appropriate office to receive and investigate your complaint? You (the complainant) will receive an acknowledgement letter within those 10 days informing you of whether your complaint will be investigated by our office or forwarded to the appropriate agency. NDOT will conduct the investigation as soon as possible after determining the complaint is properly directed to it. The following procedures will be followed:

1. NDOT has sixty (60) days to investigate the complaint. The Civil Rights Officer will appoint the Contract Compliance Manager or another qualified investigator who has been trained in conducting civil rights investigations to conduct the Complaint Investigation.
2. The investigator will ensure the appropriate officials are informed of the investigation's progress in a timely manner.
3. The investigator will follow an investigative plan approved by the Civil Rights Officer that will include interviewing anyone with knowledge of the event and gathering all pertinent evidence relevant to the allegation.
4. The complainant may have a representative present to assist in presenting information to the investigator. However, the representative must not be involved in the investigation or any other matters related to the case. Further, it is not NDOT's responsibility to train or keep the representative informed of any matters related to the case.

5. If more information is needed to resolve the case, NDOT may contact the complainant. The complainant has ten (10) business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within ten (10) business days, NDOT may administratively close the case. A case may also be administratively closed if the complainant no longer wishes to pursue the case.
6. The investigation will be conducted in a fair and impartial manner and a full written report of findings will be forwarded to the Civil Rights Officer. This report will include all of the identifying information of the complainant, including:
 - a. The name, address, and telephone number of the complainant.
 - b. The name and address of the subrecipient or contractor (the company) and alleged discriminating official(s) or person(s) the complainant believed discriminated against him/her. If unknown, the complainant should provide as much information as possible regarding the circumstances surrounding the allegation.
 - c. How, why, and when the complainant believed he/she was discriminated against including the date of the last occurrence.
 - d. The names of any persons that the investigator could contact for additional information to support or clarify the allegation.
 - e. The report will also include all relevant evidence (as attachments or inclusions) upon which it is based, nature of the complaint, remedy sought, and a summary of the investigative findings and activities.
6. The Civil Rights Officer will analyze the Investigative Summary Report, determine the appropriate course of action and prepare a Statement of Agency Decision reflecting the NDOT's final determination. NDOT's determination may be a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews

- regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.
7. The complainant and the appropriate divisions shall receive written notification as to NDOT's decision. If the finding is adverse to the complainant, the complainant will be advised of his/her avenues for appeal. NDOT will forward a copy of the Title VI complaint and investigative report to FHWA and/or the FTA within 60 days of receipt of the complaint or issuance of our Decision, whichever is later.
 8. If discrimination is determined to have occurred, the Civil Rights Officer will issue a Show Cause Notice providing the subrecipient/contractor/respondent thirty (30) days to develop a satisfactory Corrective Action Plan (CAP) and implement appropriate corrective or disciplinary action to eliminate discrimination and/or correct inappropriate behavior on the contract. Contract administrative action may be applied should the contractor/respondent fail to take immediate corrective action or implement a CAP.

Title VI/EEO Complaint Appeals

The complainant can appeal NDOT's decision to the Federal Highway Administration, the Federal Transit Administration, or the U.S. Department of Transportation within ninety (90) days of the date of NDOT's closure of LOF letter.

If the contractor believes NDOT's decision is adverse to the contractor, the standard contract sanctions appeal procedures must be used.

Records

Investigation files are confidential and will be maintained by the Civil Rights Division. The contents of such files are disclosed only to those individuals with the authority to examine such files in accordance with state and federal laws. Any requests for release of information that is maintained by NDOT will be in writing and addressed to:

Administrative Services Division
Nevada Department of Transportation
1263 South Stewart Street
Carson City Nevada, 89712

The request for release of information should contain a specific description of the information to be released. Contract documents will be forwarded to the Administrative Services Division for archiving after closure of the contract file.

Files are to be retained in accordance with NDOT's records retention schedule and federal guidelines. All complaints will be logged and tracked in the Civil Rights Division to ensure all procedures have been followed.



TITLE VI /EEO DISCRIMINATION COMPLAINT FORM

In accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990, complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from the Nevada Department of Transportation (NDOT), and believes the discrimination is based on race, color, national origin, gender, age, disability/handicap or income status. If you choose to file a complaint, you are asked to provide the following information:

Name: _____

Street Address: _____

City: _____ State: _____ Zip code: _____

Daytime phone: () _____ E-mail: _____

Please provide the basis upon which you believe your complaint is based:

Race___Religion___ Gender___Color___Age___ National Origin ___

Disability/Handicap ___ Income status_____

Please provide the name and address of the subrecipient/respondent (company) and any alleged discriminating official(s) or person(s) who you believe discriminated against you:

If discriminating person or official is unknown, please provide as much information as possible regarding the person:

Description of incident including date incident occurred (attach additional pages if needed):

NOTE: If you elect to file a formal complaint with NDOT, it must be submitted in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). You are strongly encouraged to bring incidents of discrimination to the attention of the department as soon as possible after such conduct occurs. You may also file complaints directly with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), or the Federal Transit Administration (FTA) within the 180-day period.

Signature

Date

Please mail completed complaint form and any attachments to:

Civil Rights Officer
Nevada Department of Transportation
123 East Washington Avenue
Las Vegas NV 89101
(702) 730-3301
(702) 486-0487 fax
yschuman@dot.state.nv.us