# “HELENA AREA TRANSIT SERVICE”

## NONDISCRIMINATION POLICY STATEMENT

## AND

## COMPLAINT PROCEDURE

## NON-DISCRIMINATION IN THE FEDERAL AID PROGRAM

## CIVIL RIGHTS ACT OF 1964 AND AMENDMENTS

“**Helena Area Transit Service**” (hereinafter referred to as the "Recipient") hereby agrees to comply with the following Federal statutes, Federal Highway Administration Regulations, Federal Transit Administration, and the Montana Department of Transportation, and the policies and procedures promulgated by the Federal Highway Administration, as a condition to receipt of Federal funds.

NON-DISCRIMINATION ASSURANCE STATEMENT

Title VI of the Civil Rights Act of 1964, as amended, provides that no person shall on the grounds of race, color, national origin, sex, age, income, and handicap/disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds-whether schools and colleges, government entities, or private employers-must comply with Federal civil rights laws, rather than just the particular programs or activities that receive the funds.

Nondiscrimination programs require that Federal-aid recipients, sub-recipients, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally funded or not. If a unit of a State or 1ocal government is extended Federal-aid and distributes such aid to another governmental entity, all of the operations of the recipient and sub-recipient are covered. Corporations, partnerships, or other private organizations or sole proprietorships are covered in their entirety if such entity received Federal financial assistance (FHWA Notice N 4720.6, September 2, 1992).

The Recipient assures that no person shall, as provided by federal and state civil rights laws, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which federal assistance is received.

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# I OVERVIEW

## A. PURPOSE

To define organizational procedures for the Recipient implementation of the Federal Highways Administration (FHWA) and Federal Transit Association (FTA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations.

## B. APPLICATION

The provisions of this Title VI Program apply to the Recipient.

## C. DEFINITIONS

All applicable definitions are found in 23 CFR 200.5.

> Protected Groups: means any person or group of persons who is included in any of the identified nondiscrimination areas by the Civil Rights Act of 1964 and its amendments (race, color, national origin, age, sex, and low income).

## D. AUTHORITIES

Federal statutes, to the extent they apply to programs receiving federal financial assistance subject to Title VI, are found in 23 CFR 200.5 (p) (1).

Title VI of the Civil Rights Act of 1964 142 U.S.C. 200.

> **"No person** in the United States shall, on the grounds of **race, color, or national origin,** be excluded from **participation** in, be denied the **benefits** of, or be subjected to **discrimination** under any program or activity receiving **Federal financial assistance."**

1. **Sex** added by Federal Aid Highway Act of 1973 {29 U.S.C. 790).

2. **Handicap** added by Section 504 of the Rehabilitation Act of 1973 {29 U.S.C. 790).

3. **Age** added by Age Discrimination Act of 1975 (42 U.S.C. 6101).

4. **Scope expanded** by Civil Right Restoration Act of 1987 {P.L. 100-2091 to include **all** of a recipient's and contractor's programs or activities whether federally assisted or not.

5. **Income: Executive Order - 12898 -** "Federal Actions to Address Environmental Justice Issues in Minority Populations and Low-income Populations." Signed February 1994 - required identification of high and adverse human health or environmental effects of programs, policies, and activities on minority and low-income populations.

State nondiscrimination statutes:

1. The Montana Human Rights Act, Title 49, Chapter 2, M.C.A.

2. The Governmental Code of Fair Practices, Title 49, Chapter 3, M.C.A.

E. ORGANIZATION

Steve Larson, Superintendent Helena Area Transit Service has Title VI responsibility for the Helena Area Transit Service and is responsible for initiating and monitoring Title VI activities, preparing required documents, conducting complaint investigations, and generally implementing the procedures described in the Program. Steve Larson, Superintendent Helena Area Transit Service also has the authority to delegate responsibility for certain items to other individuals, where appropriate. All reports, investigations, and reviews will be prepared by or submitted to Steve Larson, Superintendent Helena Area Transit Service within the prescribed time constraints. The Montana Department of Transportation will be notified of any deficiencies or problems.

## II COMPLAINT PROCEDURES

A. PURPOSE

The purpose of the complaint procedures is to help resolve problems at the lowest level possible. The procedure must function to determine whether or not a violation of a law or regulation has occurred, and if so, the appropriate means for relief and/or corrective action. It is developed under the directive of 23 CFR 200.9 (b) (3).

A log shall be maintained of all complaints. A copy of the complaint, together with a copy of the Recipient report of the investigation shall be forwarded to the Title VI Representative, Montana Department of Transportation, Planning Division, within 60 days of the date the complaint was received by the Recipient.

B. DEFINITIONS.

1. Discrimination: That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, age, sex, disability, or income, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the

Federal Highway Administration or Federal Transit Administration under Title 23, U.S.C. and 49 CFR part 21; and related statutes and regulations.

2. Complaint: means a complaint alleging a violation of any policy, procedure, or practice which would be prohibited by Title VI and other federal and state civil rights laws, rules, and regulations.

3. Complainant: means any aggrieved person, or individual, who submits a complaint.

4. Complaint Investigation Form: means the form which shall, pursuant to 23 CFR 200.9(b)(3), identify each complainant by race, color, sex, national origin, age, income, or disability; the respondent; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; and other pertinent information. This form is contained in Appendix V.

5. Day: means a working day; the calculation of days in a complaint procedure shall exclude Saturdays, Sundays, and State holidays.

6. Federal and State Civil Rights Laws, Rules and Regulations: See "I OVERVIEW," "D AUTHORITY."

7. Investigator: means the person within the Recipient agency, normally the Title VI Representative, with the assigned responsibility to investigate complaints.

8. Respondent: means any person, persons, or agency against whom a complaint is **filed.**

9. Title VI: means Title VI of the 1964 Civil Rights Act (78 Stat. 252, 42 U.S.C., Sec. 2000d), the implementing regulations and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted.

10. MDT Title VI Representative: means the individual within a Montana Department of Transportation respective program area with Title VI responsibilities.

C. BASIC PROCEDURAL RIGHTS (Applicable to all levels of the complaint procedure).

Persons Eligible to File: Any person who believes that he or she, individually, as a member of any specific class of persons, or in connection with any minority group, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 may file a complaint, as stated in 49 C.F.R. 21.1 l(b). A complaint may also be filed by a representative on behalf of such a person.

1. Each party shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.

2. Intimidation, or retaliation of any kind is prohibited by law.

3. This procedure does not deny the fight of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

D. PROCEDURE

1. An individual should first discuss a complaint with the immediate supervisor or the Title VI Representative for the Recipient in an effort to settle the issue at the lowest possible level. Discussion should occur within IO working days of the incident.

2. If the complaint is not resolved at Step 1, a written complaint shall be filed with the Recipient within 180 days of the alleged incident. The Montana Department of Transportation and the Recipient shall be notified of the complaint, within 5 days of filing the complaint.

3. Within 7 days of the receipt of the complaint, an investigation by the Recipient will commence. The investigation shall include interviews with the complainant and the respondent. Relevant data shall be obtained. Interrogations may be used. Informal conferences between the affected parties under the direction of the investigator may be utilized for the resolution.

4. Within 40 days from the date the complaint was received, the investigator will prepare a written report for Steve Larson, Superintendent Helena Area Transit Service.

5. The recommendation shall be reviewed by Steve Larson, Superintendent Helena Area Transit Service within 5 days.

6. If the complaint cannot be resolved by the Recipient, the complainant shall be notified of all appeal rights pursuant to 49 CFR 21 as well as other applicable forms including the right to counsel.

7. Should the complainant decide not to pursue the complaint, a signed withdrawal statement shall be obtained.

**APPENDIX V**

**COMPLAINT INVESTIGATION FORM**

FOR OFFICIAL USE ONLY

DATE COMPLAINT RECEIVED BY RECIPIENT

Month:_____ Day:_____ Year: _____

Complaint #_____

**COMPLAINANT:**

_____

Last Name First Name Middle Name

_____

Address City, St. Zip

_____

Work Phone Home Phone

**DISCRIMINATING OFFICIAL(S)**

_____

Representing

_____

Last Name First Name Middle Name

Address City, St. Zip

Work Phone Home Phone

**BASIS OF COMPLAINT:**

Race ☐ Color ☐ National Origin ☐ Sex ☐ Age ☐ Disability ☐

Low Income ☐

Date(s) of alleged discriminatory act(s): _____

Statement of the

Complaint:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

**INVESTIGATION PROCESS:**

Witnesses (Use additional sheets if necessary):

Name_____ Home Phone: (____) _____

Work Phone: (____) _____

Address:_____

City ST ZIP

Name:_____Home Phone: (____)_____

Work Phone: (____)_____

Address:_____

City ST ZIP

Additional
Information:_____
_____
_____
_____
_____
_____
_____
_____
_____

_____
Signature of Complainant

_____
Date

FOR RECIPIENT AGENCY USE ONLY

Recommended Disposition:

_____ Reasonable Cause

Recommended
Action:_____
_____
_____
_____

_____No Cause

Administrative Closure: ☐ No Jurisdiction☐ Withdrawn☐ Untimely☐ Other

Settlement

(specify):_____

_____

_____

_____

I concur with the above recommendation of the Recipient Investigator.

(Responsible person, title).
Date_____

I concur with the above recommendation of the Recipient Investigator.

_____ _____

Title VI Representative, Montana Department of Transportation Date

Date forwarded to FHWA, Montana Division _____
Date