

# Discrimination Complaint Procedures

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These procedures provide guidance for all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA) as they relate to any program or activity that is administered by **City of Benson/Benson Area Transit** including consultants, contractors and vendors. Intimidation or retaliation as a result of a complaint is prohibited by law. In addition to these procedures, complainants reserve the right to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints at the lowest possible level.

- (1) Any person who believes he and/or she has been discriminated against on the basis of race, color, national origin, or disability may file a Discrimination complaint by completing and submitting the agency's Title VI Complaint Form.
- (2) Formal complaints must be filed within 180 calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
- (3) Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The ADA/Title VI contact person will assist the complainant with documenting the issues if necessary.
- (4) Allegations received by fax or e-mail will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.
- (5) Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.
- (6) Once submitted **City of Benson/Benson Area Transit** will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the **City of Benson/Benson Area Transit** or submitted to the State or Federal authority for guidance.

**City of Benson/Benson Area Transit** will investigate Discrimination complaints against its sub recipients; all other Discrimination complaints filed against **City of Benson/Benson Area Transit** will be investigated by the Arizona Department of Transportation.

- (7) For Discrimination complaints filed against **City of Benson/Benson Area Transit**: Within **72 hours or 3 (three)** calendar days of receipt, **City of Benson/Benson Area Transit** will notify ADOT of the Discrimination complaints being filed. The complaint will then be logged identifying its basis of discrimination, the status, and the next steps. ADOT then will assume jurisdiction and follow the ADOT's complaint procedures for investigating the complaint.
- (8) For Discrimination complaints filed against **City of Benson/Benson Area Transit's** sub recipients (ie, consultants, vendors, and contractors) **City of Benson/Benson Area Transit** will assume jurisdiction and will investigate and adjudicate the case.
- (9) The **City of Benson/Benson Area Transit** has **20** days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has **7** 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 **7** business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.
- (10) After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI or ADA 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.
- (11) A copy of either the closure letter or LOF must be also be submitted to ADOT within 72 hours of that decision. Letters may be submitted by hardcopy or email.
- (12) A complainant dissatisfied with **City of Benson/Benson Area Transit's** decision may file a complaint with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) offices of Civil Rights: **ADOT**: ATTN ADA/Title VI Program Coordinator 206 S. 17<sup>TH</sup> Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA**: Attention Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590
- (13) A copy of these procedures can be found online at: [www.cityofbenson.com/bensonareatransit](http://www.cityofbenson.com/bensonareatransit)

If information is needed in another language, contact Kathe Williams (520) 720-6323. Para información en Español llame: Kathe Williams (520) 720-6323.