

Title VI Complaint and Investigation Procedures

These procedures cover 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, for alleged discrimination in any program or activity administered by The New Hampshire Department of Transportation.

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 for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the NH DOT may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a written complaint to the following address:

**Title VI Coordinator
New Hampshire Department of Transportation
P.O. Box 483, 7 Hazen Drive
Concord, NH 03302-0483
Phone: (603) 271-3734
TTY Access: (800) 735-2964**

The following measures will be taken to resolve Title VI complaints:

- 1.) A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin, sex, disability, age, income status), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.
- 2.) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the NH DOT Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the NH DOT Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3.) The Department will investigate complaints filed with the Department against contractors, consultants, or other sub-recipients. Complaints filed directly with the Department against the Department shall be forwarded to the appropriate US DOT agency for investigation.
- 4.) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) days by registered mail. At the same time, the complaint will be forwarded to the State of New Hampshire Attorney General's Office and to the appropriate US DOT agency.

- 5.) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 6.) Within 15 business days from receipt of a complete complaint, the NH DOT will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Commissioner or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of the NH DOT's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 7.) When the NH DOT does not have sufficient jurisdiction, the Commissioner or his/her authorized designee will refer the complaint to the appropriate State or US DOT agency holding such jurisdiction.
- 8.) If the complaint has investigative merit, the Commissioner or his/her authorized designee will assign an investigator. A complete investigation will be conducted, and an investigative report will be submitted to the Commissioner within 60 days from receipt of the complaint. A copy of the investigative report shall be forwarded to the respective US DOT agency within the same time period. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the investigator will notify the appropriate authorities, and an extension will be requested.
- 9.) The Commissioner or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 days from receipt of the complaint.
- 10.) If the Complainant is dissatisfied with the NH DOT's resolution of the complaint, he/she has the right to file a complaint with the:

**Departmental Office of Civil Rights
U.S. Department of Transportation
400 7th Street, S.W., Rm #10215, S-30
Washington D.C. 20590**

(202) 366-4648

(202) 366-5992

TTY Access: (202) 366-9696

DC Relay: (202) 855-1000