

Rush County Indiana Title VI Complaint Procedure

This complaint procedure is for any person who believes that he or she, on the basis of race, color, or national origin, religion, sex, sexual orientation, gender identity/expression, protected veteran's status, genetic information, or on the basis of disability or age, or Limited English Proficiency has been excluded from or denied the benefits of, or subjected to discrimination by the County in relation to any program or activity administered by the County or its subrecipients, consultants, or contractors. This complaint procedure applies to matters related to Title VI, ADA or LEP. 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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be used for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a timely resolution to the complaint. Initial interviews with the complainant and the respondent, if applicable, will request information regarding specifically requested relief and settlement opportunities. A copy of the complaint form is provided as Attachment B.

Complaint Procedure

1. Submission of Complaint. Any individual or group may file a written complaint with The County's Title VI Coordinator. The mailing address and contact information follows:

Jerry Sitton Title VI Coordinator
1352 East SR 44
Rushville, Indiana 46173
Telephone: (765) 932-2926
Fax: (765) 932-3316
highway@rushcounty.in.gov

The complaint must be filed within one hundred eighty (180) calendar days after the date the discrimination occurred. A complaint form is available in hard copy from the Title VI Coordinator. Upon request, assistance will be provided to any person(s) unable to read or write English or who requires a form in an alternative format due to a disability. Persons who are deaf or hard of hearing may contact the County through Relay Indiana (TTY). The complaint form must be as complete as possible and must meet the following requirements:

- a. Complaint shall be in writing and signed by the complainant(s).
- b. Include the date of the alleged act of discrimination.
- c. Present a detailed description of the issues.
- d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established.
- e. 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 returned thru the County Title VI Complaint Procedure for processing.

Complainants have the right to complain directly to the appropriate federal agency as well. Complainants have 180 days to file a complaint with the appropriate federal agency.

2. Receipt of Complaint. Within fifteen (15) days after receiving a complaint, the Title VI Coordinator will:

- a) forward a copy of the complaint to the Indiana Department of Transportation, or the appropriate designated federal agency related to the complaint, if required, and
- b) send a written acknowledgement to the complainant advising that the complaint will be investigated.

In order to be accepted, a complaint must involve a covered basis such as race, color, national origin, gender, disability, or retaliation and the allegation(s) must involve a program or activity administered by Rush County or, where applicable, one of the County's Federal-aid subrecipient(s), consultants or contractors, or, in the case of ADA allegations, an entity open to the public. A complaint may be dismissed for the following reasons:

- a. The complainant requests the withdrawal of the complaint.
- b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The complainant cannot be located after reasonable attempts.

Once the complaint is accepted, the Title VI Coordinator will log it in a database identifying the following: complainant's name, basis, alleged harm, race, color and national origin of the complainant. Intimidation or retaliation of any kind is prohibited by law.

3. Referral to Review Officer. The Title VI Coordinator in consultation with the Board of Commissioners will appoint one or more individuals to investigate the complaint. The investigating individuals will complete the review within forty-five (45) days after the County received the complaint and will make a recommendation about the merits of the complaint and, if necessary, what steps will be taken to address the complaint.

4. Complaint Decision. The individuals appointed to investigate the complaint will forward the recommendation to the Commissioners for review and concurrence. If the Commissioners concur, the County will issue a response to the complainant(s) and any respondent(s), if applicable. (A respondent may be any subrecipient, consultant or contractor named in the complaint.)

5. Requests for Reconsideration. If the complainant disagrees with the response, he or she may request reconsideration by submitting a request within fifteen (15) days after receipt of the response. Any affected party may submit information and/or documentation in writing to the Title VI Coordinator in support of their request for reconsideration of the recommendation. Upon review of the additional information and documentation, the Title VI Coordinator and the Commissioners will have thirty (30) days to either reaffirm or reverse the original recommendation and provide written notice to the complainant and respondent. If neither party requests reconsideration, the recommendation becomes final.

6. Settlement. If the final recommendation or reconsideration supports the allegation(s), the Title VI Coordinator will attempt to negotiate an amicable settlement of the issues in dispute. Formal, written settlement agreements will require the review of the County Attorney prior to execution and will require the signatures of the parties, the Title VI Coordinator, and the Commissioners.

7. Submission of Complaint to the State of Indiana Department of Transportation, the Federal Highways Administration or the Federal Transit Administration or other appropriate federal agency. If the complainant is dissatisfied with the County's resolution of the complaint, he or she may also submit a written complaint to the state or appropriate federal agency in accordance with the requirements of the state or federal agency.

NOTE: Complaints must be filed with federal agencies no later than 180 days after the alleged discrimination occurred. Prompt action after receiving the County's final response is necessary to ensure review by state or federal agencies.

INDOT, Title VI & ADA Program Manager, Indiana Department of Transportation,
Indiana Government Center North, Room 750, 100 N. Senate Ave., Indianapolis, IN
46204

Civil Rights Officer, Region VII Federal Transit Administration, Office of Civil Rights 901
Locust Street, Room 404 Kansas City, MO 64106 Main: (816) 329-3920 Fax: (816)329-
3921

Federal Highway Administration Office of Civil Rights 1200 New Jersey Ave., S.E. 8th
Floor E81-314 Washington, DC 20590

Federal Transit Administration Office of Civil rights Attention: Title VI Program
Coordinator East building, 5th Floor -TCR 1200 New Jersey Ave., S.E. Washington, DC
20590

Title VI Coordinator Office of Civil Rights and Civil Liberties
U.S. Department of Homeland Security Mail Stop 0800 Washington, DC 20520

For appropriate agency for ADA complaints go to <http://www.ada.gov/cguide.pdf> or call
the

ADA information line at 800 -514 -0301 (voice) or 800 -514 -0383 (TTY)

1. **Confidentiality.** To the extent feasible and allowed by law, confidentiality shall be maintained during the formal and informal investigation process.

2. **Investigation records.** Records will be maintained in accordance to applicable Federal guidelines, or in their absence, applicable state guidelines.