



COMMUNITY FOCUSED • SAFE • RELIABLE

BENSON COUNTY TRANSPORTATION

EXTERNAL COMPLAINTS OF DISCRIMINATION TITLE VI

PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone
Street Address/P.O. Box		Email Address
City	State	Zip Code

PART II - CAUSE OF DISCRIMINATION OR COMPLAINT BASED ON [Check all appropriate box(s).]

Title VI of the Civil Rights Act of 1964

Race Color National Origin

Other Nondiscrimination Statutes/Executive Orders

Sex Disability Limited English Proficiency Age Income Status

PART III - THE PARTICULARS ARE: (Include names, dates, places, and incidents involved in the complaint.) [If additional space is needed, attach extra sheet(s).]

PART IV - REMEDY SOUGHT [State the specific remedy sought to resolve the issues(s).]

PART V - VERIFICATION

Complainant's Signature _____ Date _____

Instructions

GENERAL

1. Instructions provided within this form are not meant to be all inclusive. Any person or group(s) of persons filing external complaints of discrimination are responsible for all procedural requirements contained in the External Complaints of Discrimination process.
2. Under Title VI of the Civil Rights Act of 1964 or the related statutes and regulations, no person or groups(s) of persons shall, on the grounds of race, color, national origin; or sex, age, disability, limited English proficiency, 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 **Benson County Transportation**. Any person or groups(s) of persons who feel they have been discriminated against may file a complaint.
3. Complainants **must** include all required information and **must** meet all timeframes as defined in the Benson County Transportation Complaint Procedure.
4. Legible copies of all available pertinent documentation should be attached to this form.
5. All inquiries should be directed to **Laura Winson, Director, Benson County Transportation, PO Box 306, 503 Railway Ave., Maddock, ND 58348 701-438-2192.**

PART I

Complete all information in this section.

PART II

Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories under Title VI or Other Nondiscrimination Statutes/Executive Orders. If the complaint pertains to service and the type is not listed, select "Other" and describe.

PART III

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

PART IV

State the minimum remedy acceptable for resolution of this complaint.

PART V

Sign and date this section to verify the information contained in Parts I through IV.

External Complaints of Discrimination

A. Introduction

Benson County Transportation's External Complaints of Discrimination process is consistent with the Federal Transit Administration's (FTA) Title VI complaint procedures filed under Title VI of the Civil Rights Act of 1964 (and related nondiscrimination statutes), Title II of the Americans with Disabilities Act of 1990, and/or Section 504 of the Rehabilitation Act of 1973. The related nondiscrimination statutes, regulations, Executive Orders (E.O.), directives, and other references are available upon request.

B. Agencies Authorized to Receive Complaints

Complaints may be submitted to one of the following: Sub Recipient of NDDOT, NDDOT, FTA, the United States Department of Transportation (USDOT), or the United States Department of Justice (USDOJ). See Appendix A.

C. Persons Eligible to File

Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Race, Color, or National Origin), Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA), or related statutes (age, sex, or income status), may file a complaint.

D. Filing a Complaint

1. A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Complaints should be complete and sign Benson County Transportation's External Complaints of Discrimination form and file by mail, fax, in person, or e-mail. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint, i.e., race, color, national origin; or sex, age, disability, income status, or limited English proficiency;
 - d. The identification of the respondent, i.e., agency/organization alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and
 - f. The date(s) of the alleged discriminatory act(s).

2. While the above indicates a complaint should be in writing and signed, Benson County Transportation will accept complaints in alternate formats from persons with disabilities, upon request.
 - a. Upon request to Benson County Transportation the complaint may be filed on a compact disk (PDF, work document, or audio recording are all acceptable formats) or in Braille.
3. The complainant may contact Benson County Transportation for assistance in filing a complaint. Benson County Transportation will consider every request for reasonable accommodation to provide:
 - a. Accommodation for people with disabilities;
 - b. Language interpretation for people with limited English proficiency (LEP);
 - c. Translation of written materials necessary to access Benson County Transportation programs and information.

To request accommodations, complainants may contact Benson County Transportation, Laura Winson, Director, PO Box 306, 503 Railway Ave., Maddock, ND 58348 701-438-2192.

TTY users may use Relay North Dakota at 711 or (800)366-6888.

E. Timeframes for Filing a Complaint

1. Complaints must be filed within 180 calendar days of the last date of the alleged discrimination, unless the time for filing is extended. The filing date of the complaint is the earlier of:
 - a. The postmark of the complaint, or
 - b. The date the complaint is received by any agency that has jurisdiction for the complaint. See Appendix A.

F. Complaints Received by Benson County Transportation Under FTA Jurisdiction

1. Complaints filed under Title VI, related statutes, and Section 504/ADA in which Benson County Transportation is named as respondent will be forwarded by Benson County Transportation to NDDOT Civil Rights Division.
2. Title VI, related statutes, and Section 504/ADA complaints filed directly with Benson County Transportation against its sub recipients or contractors will be processed by Benson County Transportation in accordance with the FTA approved complaint procedures under FTA C 4710.1, FTA C 4702.1B, 49 CFR 27.13(b).
3. Benson County Transportation may investigate complaints against its sub recipients or contractors as follows:
 - a. The complaint will be reviewed within 10 business days to determine whether it contains all of the necessary information required for acceptance.

- b. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form and the Notice About Investigatory Uses of Personal Information fact sheet.
- c. If the complaint is incomplete, the complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 10 business days to respond to the request for additional information.
- d. If the investigator is not contacted by the complainant or does not receive the additional information within 15 business days, or if the complainant no longer wishes to pursue their case, the Benson County Transportation can issue a letter and administratively close the case.

G. Complainant is Represented by an Attorney

Complainants represented by an attorney should provide a letter of representation.

H. Timeframes for Investigations by Benson County Transportation

- 1. For Title VI or related statutes complaints, Benson County Transportation is required to follow the FTA C 4702.1B to comply with reporting requirements of 49 CFR 21.9(b). The investigation information is recorded on the Transit Title VI – List of Investigations, Lawsuits, and Complaints (SFN 60805) and submitted to NDDOT every year. Although, FTA regulations do not specify a timeframe for the investigation of Title VI complaints, the Benson County Transportation attempts to complete investigations within 90 calendar days of receipt of the complaint from NDDOT.
- 2. For Section 504/ADA complaints Benson County Transportation is required to follow the FTA C 4710.1 to comply with reporting requirements of 49 CFR 27.121(b). Benson County Transportation shall forward a copy of the complaint, together with a copy of the report of investigation within 90 calendar days of receipt of the complaint to NDDOT and FTA.

I. Letters of Finding (LOFs)

- 1. The FTA has delegated authority for issuing LOFs for Title I, related statutes, and Section 504/ADA complaints processed by FTA.
- 2. Benson County Transportation has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by Benson County Transportation against FTA funded sub recipients or contractors.

J. Appeals

- 1. LOFs issued by the FTA are administratively final.
- 2. Closure letters or LOFs issued by Benson County Transportation under FTA jurisdiction on Title VI, related statutes, and Section 504/ADA complaints may be appealed to FTA within 15 calendar days after the date of the closure letter or the LOF.