

# NACOG COMPLAINT PROCESS

## 4.A INTRODUCTION

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint. The complaint must be (a) unequal treatment because of race, color, national origin, gender, age, disability, veteran status, or (b) noncompliance with Title VI rules or guidelines adopted thereunder.

The Arizona Department of Transportation (ADOT) Civil Rights Office has the principal responsibility for processing, investigating, and resolving any complaint arising as a result of operations its sub-recipients such as NACOG.

NACOG will be responsible for processing, investigating and resolving complaints of discrimination by its staff and subcontractors. Complaints are submitted to:

NACOG Title VI Chief Officer	ADOT Civil Rights Office
NACOG Executive Director 119 East Aspen Avenue Flagstaff, AZ 86001 928-774-1895 FAX: 928-773-1135	ADOT Civil Rights Office 206 South 17 <sup>th</sup> Avenue, Mail Drop 155A Phoenix, AZ 85009 602-712-7761 FAX: 602-712-8429

Complaints received by NACOG will be forwarded to the ADOT Civil Rights Office.

A formal complaint must be filed within 180 calendar days 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. This timeframe is prescribed by 49 CFR 21.11(b).

## 4.B COMPLAINT FILING PROCEDURE

- 4.B.1 The complaint form ([Appendix 4](#)) may be downloaded from [www.nacog.org](http://www.nacog.org) or request the complaint form from NACOG in person, via fax, email or in writing. The complainant may also submit a written statement that contains all of the information identified in Section 3. If the complainant is unable to write a complaint, NACOG staff will assist the complainant; if requested by complainant, NACOG will provide an interpreter:
- 4.B.2 Complaint shall be in writing and signed by the complainant(s) and must include complainant(s) name, address, and phone number. The NACOG Title VI Coordinator (or liaison) will assist the complainant with documenting the issues if necessary.
- 4.B.3 Present date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct.

**4.B.4** Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained-of-incident.

**4.B.5** Provide additional support information, and complete remainder of form.

**4.B.6** Submit complaint to NACOG Chief Officer and ADOT Title VI Civil Rights Office.

**4.C** **COMPLAINT INVESTIGATION PROCESS**

**4.C.1** 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. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for NACOG to process it.

**4.C.2** Allegations received by telephone will be transcribed 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 to NACOG for processing.

**4.C.3** NACOG will begin an investigation within (15) working days of receipt of complaint.

**4.C.4** NACOG will contact the complainant in writing no later than five (5) working days after receipt of complaint for additional information, if needed. If the complainant fails to provide the requested information on a timely basis, NACOG may administratively close the complaint.

**4.C.5** NACOG will complete the investigation within forty five (45) days of receipt of the complaint. If additional time for investigation is needed, the Complainant will be contacted. A written investigation report will be prepared by the investigator. This report shall include a summary description of the incident, findings and recommended corrective action(s).

**4.C.6** A closing letter will be provided to the complainant. The respondent or respondent department will also receive a copy of the closing letter. Each will have five (5) working days from the receipt of the report to appeal. If neither party appeals, the complaint will be closed.

**4.C.7** If required, the investigation report (including recommendations and corrective actions) will be forwarded to the ADOT, the complainant, and the respondent.

**4.C.8** A complainant dissatisfied with ADOT's final agency decision may file action with the appropriate FTA department.

All complaint activities shall be catalogued and tracked internally in NACOG's Title VI Complaint Log. See [Appendix 5](#).