

## Vermont Agency of Transportation Title VI Complaint Procedure

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin, sex, age, limited English proficiency, or disability may file a complaint with the Vermont Agency of Transportation's Office of Civil Rights and Labor Compliance.

Complaints related to Title VI Program discrimination may be submitted online by accessing information and a Title VI Complaint Form on our website: <https://vtrans.vermont.gov/civil-rights/compliance/titlevi/complaint>. Once submitted, the AOT Title VI Coordinator will contact the complainant. To submit a Title VI complaint by mail, email, or phone, the contact information is as follows:

Sue Hackney, Title VI Coordinator  
Vermont Agency of Transportation  
Office of Civil Rights and Labor Compliance  
219 North Main Street  
Barre, VT 05641

Email: [susan.hackney@vermont.gov](mailto:susan.hackney@vermont.gov)  
Phone: 802.249.9291

Written complaints must be signed by the complainant. Complaints submitted by telephone or e-mail, or unsigned written complaints must be followed by a complaint in writing, signed by the complainant or his/her representative within 10 business days of the initial verbal/electronic/unsigned complaint. If the complainant requires assistance to submit a written document, a member of the AOT Office of Civil Rights will interview the complainant and assist the person in converting a verbal complaint to one in writing. This document must be signed by the complainant or his/her representative. Federal and State laws require that the complaint be filed within 180 days of the alleged incident of discrimination.

Once the complaint has been submitted in writing, AOT will take the following steps to address the complaint:

1. The complaint will be logged on the AOT Title VI Complaint Log maintained by the AOT Office of Civil Rights, identifying the complainant's name, date of the incident, alleged harm, and pertinent demographic information about the complainant.
2. The AOT Title VI Coordinator will complete a Title VI Complaint Form.
3. Essential information on the form includes the following:
  - a. Date of the incident that is the subject of the complaint;
  - b. Time of the incident;
  - c. Location of the incident; and
  - d. Circumstances of the incident in as much detail as is available, including description of the issues and the names and job titles of those individuals perceived as parties in the complaint.
4. The completed form, along with the initial complaint letter and a summary of any other communication, will be submitted to the FHWA Vermont Division Office for ultimate submission to FHWA Headquarters Office of Civil Rights (HCR) in Washington, DC.
5. FHWA HCR decides whether to accept, dismiss, or transfer the complaint. When FHWA HCR decides whether to accept, dismiss, or transfer the complaint, FHWA HCR will notify the complainant, FHWA

Vermont Division Office, Vermont AOT, and the subrecipient (where applicable). There are four potential outcomes for processing complaints:

Accept: If a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the Vermont AOT, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.

Preliminary review: If it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.

Procedural Dismissal: If a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then FHWA HCR will send the complainant, Vermont AOT, and FHWA Division Office a written notice that it is dismissing the complaint.

Referral\Dismissal: If the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then FHWA HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If FHWA HCR dismisses the complaint, it will send the complainant, Vermont AOT, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

6. A complaint may be dismissed for the following reasons:
  - a. More than 180 days passed between the alleged incident and the filing of the initial complaint.
  - b. The allegation does not involve a basis covered under Title VI, such as race, color, national origin, age, gender, limited English proficiency, or disability.
  - c. The allegation does not involve AOT or one of its subrecipients of federal funds.
  - d. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - e. The complainant cannot be located after reasonable attempts.
7. FHWA HCR is responsible for conducting all investigations of State Departments of Transportation and other primary Recipients. In the case of a complaint filed against a subrecipient, FHWA HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient State DOT. If HCR chooses to delegate the investigation of a subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but the Vermont AOT Title VI Coordinator will conduct all data requests, interviews, and analysis.

If the investigation is being conducted by the AOT Title VI Coordinator/Office of Civil Rights, it must be completed within 60 days of receipt of it being delegated from FHWA. If FHWA HCR is conducting the investigation, there is no regulatory timeframe but FHWA strives to complete all tasks with 180 days from the date of acceptance.

8. If the investigation is conducted by the AOT Title VI Coordinator, the Title VI Coordinator will create a Report of Investigation (ROI), which will be sent to FHWA HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.