

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, LEP, or disability may file a complaint with the AOT's Office of Civil Rights and Labor Compliance.

Complaints related to Title VI Program discrimination may be submitted online by accessing a [Title VI Complaint Form \(https://tinyurl.com/aottitlevi\)](https://tinyurl.com/aottitlevi) 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:

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

Email: [patricia.martin@vermont.gov](mailto:patricia.martin@vermont.gov)  
Phone: 802.595.6959

Written complaints must be signed by the complainant. Complaints submitted by telephone or e-mail and 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. Inquiries submitted by email are responded to and tracked. If the complainant requires assistance to submit a written document, a member of the AOT Office of Civil Rights Office 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, the 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 (see page 29).
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.

## Vermont Agency of Transportation

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, 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, 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, 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, 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, LEP, or disability.
  - c. The allegation does not involve the 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

## Vermont Agency of Transportation

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 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.

Vermont Agency of Transportation

## ADA Complaint Procedure

Any person who believes that they have been subjected to discrimination on the basis of disability, individually, or as a member of any specific class of persons, may file a complaint with the Vermont Agency of Transportation's Office of Civil Rights.

All complaints related to disability discrimination should be directed to Patricia Martin, ADA & Title VI Coordinator, Vermont Agency of Transportation (AOT), Office of Civil Rights. Complaints may be submitted electronically, by telephone, by fax, or by United States Postal Service (USPS), as follows:

- Electronically on the AOT Website: <https://tinyurl.com/aotada>
- Email: [AOT.CRADA@vermont.gov](mailto:AOT.CRADA@vermont.gov)
- Telephone: 802.595.6959
- Patricia Martin, ADA & Title VI Coordinator
  - Vermont Agency of Transportation
  - Office of Civil Rights
  - 219 North Main Street
  - Barre, VT 05641

All individuals who submit an ADA Complaint to AOT will be contacted within three (3) business days of the submission of the complaint. AOT is committed to providing an equitable and prompt response and resolution process to all ADA complaints and concerns. If an individual requires assistance to submit a complaint, the AOT ADA Coordinator or another member of the AOT Office of Civil Rights will assist the individual in filing a complaint. Federal and state law require that the complaint be filed within 180 days of the alleged incident of discrimination.

Once the complaint has been submitted, AOT will pursue the following steps in addressing the complaint:

1. The Complainant will be contacted within three (3) business days of submission and provided with an explanation of the process and offered guidance and assistance to resolve the subject of the complaint.
2. The AOT ADA Coordinator will initiate a 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 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 AOT Director of Civil Rights for review. The Director of Civil Rights will determine the jurisdiction and acceptability of the complaint and any need for additional information. After any additional information is procured, the Director of Civil Rights will determine whether to accept or reject the complaint.
5. The complainant will be provided with a written notification that AOT has either accepted or rejected the complaint.
6. A complaint may be rejected for the following reasons:

## Vermont Agency of Transportation

- a. More than 180 days passed between the alleged incident and the filing of the initial complaint.
  - b. The allegation does not involve disability.
  - c. The allegation does not involve VTrans or one of its sub recipients 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. An accepted complaint will be assigned a case number and be logged in a database and on the AOT ADA Complaint Log maintained by the AOT Office of Civil Rights, identifying the complainant's name, date of the incident, and information about the alleged incident.
8. The AOT ADA Coordinator, assisted by other members of the Office of Civil Rights who are trained in complaint investigations, will initiate an investigation of the complaint, and complete a report within no more than 45 days of the acceptance of the complaint. The report shall include a narrative description of the incident, identification of the persons interviewed, findings, and recommendations for disposition.
9. The report will be reviewed by the Director of the AOT Office of Civil Rights and referred to the Legal Section of AOT, if deemed appropriate. The Director will accept or reject the recommendation for disposition, in consultation with the Legal Officer, and if the individuals involved are found to be in noncompliance with ADA Program requirements, remedial actions will be determined.
10. The results of the investigation and the Director's determination will be mailed to the complainant. Notice shall include information regarding the appeal rights of the complainant and instructions for initiating such an appeal. Notice of appeals are as follows:
- a. AOT will reconsider the determination if new facts come to light.
  - b. If the complainant is dissatisfied with the determination and/or resolution set forth by AOT, the same complaint may be submitted to the appropriate federal agency listed below:
    - Federal Transit Administration (FTA) Office of Civil Rights  
1200 New Jersey, S.E. 5th Floor TRC East Building  
Washington, DC 20590  
Phone: 202.366.4043
    - or
    - Federal Highway Administration (FHWA) Vermont Division  
87 State Street, Suite 216  
Montpelier, VT 05602  
802.828.4423
11. A copy of the complaint and AOT's investigation report, letter of finding, and remedial action plan will be submitted within 120 days of the initial receipt of the complaint to the appropriate agency listed above.
12. AOT shall keep on file for one year all complaints of noncompliance received, and a record of all such complaints on file for five years, pursuant to 2 CFR Section 200.334, State of Vermont General Records Schedule GRS-1000.1102, and ADA Circular 4701.1, Section 12.7.3.



Vermont Agency of Transportation

Complaint Form

I believe that I have been (or someone else has been) discriminated against on the basis of:

(Select all that apply):

Race \_\_\_ Color \_\_\_ National Origin \_\_\_ Disability \_\_\_ Other \_\_\_\_\_

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Date of complaint: \_\_\_\_\_ Date and Time of alleged discrimination: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name of agency this complaint is against:** \_\_\_\_\_

Contact person at agency: \_\_\_\_\_

Title/Position of contact person: \_\_\_\_\_

Phone: \_\_\_\_\_

Have you previously filed a Title VI of ADA complaint with this agency? Yes \_\_\_ No \_\_\_

Please add any additional information that is relevant to your complaint: \_\_\_\_\_

\_\_\_\_\_



**VERMONT**

**Office of Civil Rights and Labor Compliance**

---

Vermont Agency of Transportation

Are you filing this complaint on your own behalf? Yes \_\_\_\_ No \_\_\_\_ If no, please provide the following information:

Name of person for whom you are filing: \_\_\_\_\_

Relationship with person for whom you are filing: \_\_\_\_\_

Please explain why you are filing this complaint for a third party: \_\_\_\_\_

\_\_\_\_\_

Have you obtained that person's permission to file this complaint? Yes \_\_\_\_ No \_\_\_\_

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes \_\_\_\_ No \_\_\_\_ If yes, please provide the following information:

Agency Name: \_\_\_\_\_

Contact person at agency: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Date complaint was filed: \_\_\_\_\_