

**Toledo Area Regional Transit Authority  
(TARTA)  
July 2007**

**Nondiscrimination Complaint Procedures  
Programs or Activities of TARTA**

TARTA does not discriminate in employment, provision of services, and/or business practices on the basis of race, color, creed, religion, sex, marital status, national origin, sexual orientation, ancestry, age, military status, and physical or mental disability. TARTA prohibits workplace harassment, including sexual harassment, as well as retaliation against employees.

These procedures cover all external complaints regarding TARTA programs and activities filed under Title VI of the Civil Rights Act of 1964 as contained in 49 CFR 21, "Nondiscrimination in the Federally-Assisted Programs of the Department of Transportation." Title VI says that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance."

These procedures, required per 23 CFR 200.9 (b)(3), also cover external complaints regarding TARTA programs or activities filed under other related nondiscrimination laws that additionally prohibit discrimination on the basis of disability, sex, age and/or low income. This includes, but is not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, 23 USC 324, 42 USC 610, Executive Order 13166, and the DOT Order on Environmental Justice and Executive Order 12898. These procedures are for any external discrimination complaints relating to any program or activity administered by TARTA.

Any external complaints that come through the TARTA organization via telephone, mail, e-mail or in person, are processed and logged immediately by the Transportation Department staff. The differentiation of complaints varies from bus stop removal, buses running late, driver's attitude, service provisions, bus passenger shelter removal, trash,

and/or many other issues. However, if there is a complaint that is identified to be a Title VI claim, the information is processed by the Superintendent of Transportation and/or the General Manager.

Federal regulation 49 CFR 21 outlines types of prohibited discriminatory actions per that law. It follows, in part:

1. A recipient to which this part applies may not, directly or through contractual or other arrangements, on the grounds, color, or national origin:
  - i. Deny a person any service, financial aid, or other benefit provided under the program;
  - ii. Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
  - iii. Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
  - iv. Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefits under the program;
  - v. Treat a person differently from others in determining whether he satisfied any admission, enrollment, quota eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;
  - vi. Deny a person an opportunity to participate in the program through the provision of services or otherwise afford him/her an opportunity to do so which is different from that afforded others under the program; or
  - vii. Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

The law prohibits intimidation or retaliation of any kind. The procedures do not deny the right of the complainant to file formal complaints with other federal, state, or local agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints.

## **PROCEDURE:**

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the office of the General Manager. A formal complaint must be filed within 30 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, the office of the General Manager will determine TARTA's jurisdiction, acceptability of the complaint, and need for additional information. TARTA will also acknowledge receipt of the complaint by notifying the complainant.
3. The office of the General Manager will assign or designate a staff person from whose area is affected by the complaint to investigate the merit of the complaint.
4. The complaint will receive a case number and will be logged in the TARTA records identifying the basis of the complaint and the race, color, origin, and gender of the complainant. The assigned staff will start the investigation.
5. Within 50 calendar days of the receipt of the complaint, TARTA's investigator will prepare an investigative report for the General Manager's review. The report shall include narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. TARTA will also include signed affidavits from all parties—complainant, accused, and witnesses—as applicable. Any reports or documents gathered during the investigation will also be included.
6. The investigative report and its finding shall be sent to TARTA's legal counsel for review. The counsel will review the report and associated documentation and will provide input within 10 calendar days.
7. TARTA's investigator will review any comments or recommendations from TARTA's legal counsel. The investigator will discuss the report and recommendations with the General Manager. The report will be modified as needed and made final for its release.
8. Once TARTA's investigative report becomes final, the parties will be properly notified of the resolution of the complaint, including recommendations to remedy any discriminatory practice—if such practice is identified, and appeal rights.

9. TARTA's investigative report and a copy of the complaint will be forwarded to the appropriate oversight agency (for example, the Ohio Department of Transportation), providing the federally funded assistance, within 70 calendar days of the receipt of the complaint.
10. If the complainant is not satisfied with the results of the investigation, he/she shall be advised of their right to appeal to federal or state entities, as applicable, or to the United States Department of Justice (USDOJ).
11. If it is determined, following the initial investigation or following any appeals that TARTA acted in a discriminatory manner TARTA will take whatever action is needed, per the recommendations in the investigative report, to remedy the discriminatory practice.

For more information regarding the TARTA complaint process of filing complaints, please contact:

James K. Gee  
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TARTA  
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