



Title VI Complaint Procedures

As a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related Title VI statutes, The El Paso MPO ensures that no person shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any agency receiving federal financial assistance for programs or activities. All programs funded in whole or in part from federal financial assistance are subject to Title VI requirements. The Civil Rights Restoration Act of 1987 extended this to all programs within an agency that receives federal assistance regardless of the funding source for individual programs.

This policy is intended to establish a procedure under which complaints alleging discrimination in El Paso MPO's provisions, services, or EPMPO activities can be made by persons who are not employees of El Paso MPO. Any person who believes El Paso MPO, or any entity who receives federal financial assistance from or through EPMPO (i.e., sub-recipients, sub-contractors, or sub-grantees), has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination. The El Paso MPO will follow timelines set forth in guidance from the Department of Transportation, the Federal Highway Administration, Federal Transit Administration and the Department of Justice for processing Title VI discrimination complaints.

Filing Period

A complaint of discrimination must be filed within 180 calendar days of the alleged act of Discrimination, or discovery thereof; or where there has been a continuing course of conduct, the date on which that conduct was discontinued. Filing means a written complaint must be postmarked before the expiration of the 180-day period. The filing date is the day you complete, sign, and mail the complaint form. The complaint form and consent/release form must be dated and signed for acceptance. Complaints received more than 180 days after the alleged discrimination will not be processed and will be returned to the complainant with a letter explaining why the complaint could not be processed and alternative agencies to which a report may be made.

Where to File

In order to be processed, signed original complaint forms must be mailed to:

Executive Director/Title VI Coordinator
El Paso Metropolitan Planning Organization
211 N. Florence St., Suite 202
El Paso, TX 79901

Upon request, reasonable accommodations will be made for persons who are unable to complete the complaint form due to disability or Limited-English proficiency. A complaint may also be filed by a representative on behalf of a complainant.

Persons who are not satisfied with the findings of the El Paso MPO may seek remedy from other applicable state or federal agencies.

Requirements for a Complaint

In order to be processed, a complaint must be in writing and contain the following information (See Appendix 3 of Title VI Program for Discrimination Form or on our website at www.elpasompo.org/TitleVI):

- Name, address, and phone number of the complainant.
- Name(s) and address(es) and business(es)/organization(s) of person(s) who allegedly discriminated.
- Date of alleged discriminatory act(s).
- Basis of complaint (i.e. race, color, national origin, sex, age, religion, or disability).
- A statement of complaint.
- A signed consent release form.

Complaint Review Process

The following is a description of how a discrimination complaint will be handled once received by El Paso MPO.

1. **A written complaint is received by El Paso MPO:** Complaints must be in writing and signed by the complainant or their designated representative. If the complainant is unable to complete the form in writing due to disability or Limited-English proficiency, upon request reasonable accommodations will be made to ensure the complaint is received and processed in a timely manner. Complainants wishing to file a complaint that do not have access to the Internet or the ability to pick up a form will be mailed a complaint form to complete. The complainant will be notified if the complaint form is incomplete and asked to furnish the missing information.
2. **Complaint is logged into tracking database:** Completed complaint forms will be logged into the complaint tracking database; basic data will be maintained on each complaint received.
3. **Determine jurisdiction:** El Paso MPO's Title VI Public Involvement Liaison will complete an initial review of the complaint. The purpose of this review is to determine if the complaint meets basic criteria.

Criteria required for a complete complaint:

- Basis of alleged discrimination (i.e. race, religion, color, national origin, sex, age or disability).

- Determination of timeliness will also be made to ensure that the complaint was filed within the 180-day period requirement.
- The program in which the alleged discrimination occurred will be examined to ensure that the complaint was filed with the appropriate agency. During this process, if a determination was made in which the program or activity that the alleged discrimination occurred is not related to the El Paso MPO program or activity, every attempt will be made to establish the correct agency. Whenever possible and assuming consent was granted on the Consent/Release form, that is part of the complaint form, the complaint will be forwarded to the appropriate agency.

If the complaint is a transportation related discrimination complaint and the El Paso MPO or its sub-recipients are named as the respondent, then the complaint, if related to Texas transportation, shall be forwarded to TxDOT, Civil Rights Division, 125 E. 11th Street, Austin, Texas, 78701-2483 or if related to New Mexico transportation, to NMDOT Title VI Coordinator, 1570 Pacheco Street, Suite A10, Santa Fe, NM, 87505. Thereafter, the procedures will follow through as indicated here.

4. **Initial written notice to complainant:** Within 10 working days of the receipt of the complaint, El Paso MPO will send notice to the complainant confirming receipt of the complaint; if needed the notice will request additional information, notify complainant that the activity is not related to a El Paso MPO program or activity, or does not meet deadline requirements. Conclusions made in step three will determine the appropriate response to the complaint. If any additional information is needed from the complainant, it will be communicated at this point in the process. A copy of the written response, as well as the complaint form, will be forwarded to the to the appropriate DOT for informational purposes only.
5. **Investigation of complaint:** The Public Involvement Liaison will confer with the El Paso MPO Executive Director to determine the most appropriate fact finding process to ensure that all available information is collected in an effort to reach the most informed conclusion and resolution of the complaint. The type of investigation techniques used may vary depending on the nature and circumstances of the alleged discrimination. An investigation may include but is not limited to:
 - Internal meetings with El Paso MPO staff and legal counsel.
 - Consultation with state and federal agencies.
 - Interviews of complainant(s).
 - Review of documentation (i.e. planning, public involvement, and technical program activities).
 - Interviews and review of documentation with other agencies involved.
 - Review of technical analysis method (if applicable).
 - Review of demographic data.
6. **Determination of investigation:** An investigation must be completed within 60 days of receiving the complete complaint, unless the facts and circumstances warrant otherwise. A

determination will be made based on information obtained. The Public Involvement Liaison and the Executive Director or designee will render a recommendation for action, including formal and/or informal resolution strategies.

7. **Notification of determination:** Within 10 days of completion of an investigation, the complainant must be notified by the El Paso MPO Executive Director of the final decision. The notification will advise the complainant of his/her appeal rights with state and federal agencies if he/she is dissatisfied with the final decision. A copy of this letter, along with the report of findings, will be forwarded to the to the appropriate DOT for information purposes.